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Нижегородский государственный лингвистический университет
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СЕМЬЯ

СЕМЕЙНОЕ ПРАВО

Учебно-методические материалы

для студентов V курса

переводческого факультета

отделения права РФУ

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Учебно-методические материалы предназначены для студентов
V курса переводческого факультета, изучающих английский язык в
качестве второго иностранного на отделении права РФУ.

Материалы построены на основе методического принципа
обучения языку через содержание и преследуют цель познакомить
студентов с основными положениями семейного права в
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INTRODUCTION

Do we know what obligations people undertake when they marry in the United States and Great Britain?

Do they have any rights?

What if things just don't work out? How can a marriage be dissolved?

What are the illegal causes that can affect a marriage?

Marriage is usually defined as a civil contract. It is a relationship in which the public and the state have a participating interest. No change is permitted in this relationship without the approval of the state through its courts.

In writing this manual the needs of the law students in regard to the above questions have been kept in mind.

Our aim has been to give a basic account of the main issues of family law without overloading in with detail. It is hoped that the topics for discussion and written exercises will lead to the gathering of extra material by advanced students.

As the most sensational marital problems are covered in the newspapers some articles have been picked out for making a synopsis.

I am grateful to E.G. Kuryatnikova and O.V. Petrova for help in providing some of the materials, which include the following sources of information: a) General Principles of English Law /p. Redmond. - Longman Group UK Ltd., 1990; b) A Handbook of Everyday Law. – A Fawcett Crest Book, 1981; c) CQ'S Eyclopedia of American Government. The Supreme Court /ed. by Congrassional Quarterly Suc. Washington DC, 1994; d) Summary Of American Law /by M. Weinstein. – The Lawyers Co-operative Publishing Co., 1998; e) M. Lipman, JD. You Are the Judge!. – Academic Therapy Publications, Inc., 1981.

FAMILY LAW IN BRITAIN

Marriage is “the voluntary union for life of one man and one woman to the exclusion of all others” (1866; per Lord Penzance in *Hyde v. Hyde*). Marriage in Britain is **monogamous**, but **polygamous** unions contracted overseas by foreign nationals may be recognised as valid by the British courts.

Capacity to marry

A party domiciled in England and Wales must have capacity according to English law, which requires the following:

- 1) neither party must be under 16;
- 2) neither party must be already married (unless the earlier marriage has been **legally dissolved**);
- 3) neither party must have been certified insane at the time of the other marriage;
- 4) one party must be male, and the other – female. The sex of the party is ‘fixed at birth.’ Thus, a man who undergoes a sex-operation cannot marry a man: *Corbett v. Corbett* (1970);
- 5) neither party must be within the ‘**prohibited degrees**’, i.e. related so closely the law forbids them to inter-marry, e.g. brothers, sisters, etc. These prohibited degrees are set out in the first Schedule to **the Marriage Act 1949** as amended by **the Marriage (Prohibited Degrees of Relationship) Act 1986**.

We can read the article “**Gay Fathers Of Twins Set For Legal Battle**” by Simon Davis, published in “The Weekly Telegraph” /Dec. 2000/ as a good example of item 4.

A HOMOSEXUAL British couple who paid a surrogate mother to bear them a child in California are preparing to do battle with the Government so

that they can return to Britain with their twin boy and girl as a legally recognised family.

“If the worst comes to the worst we will leave the country. It is certainly something that we don’t want to do, but something we are willing to do,” said Barrie Drewitt, 32.

But the pair appear to be facing a legal conundrum involving **family, immigration and international law.**

The Home Office denied the men’s **plight** was a matter for Jack Straw, the Home Secretary, and pointed to the Department of Health – which believed the Home Office was responsible.

Taking advantage of state law in California that tolerates homosexual parents, Mr. Drewitt and Tony Barlow, 35, paid for Rosalind Bellamy to carry the egg of another woman which was fertilised using sperm from both men.

The couple from Danbury, Essex, intend to remain in California until they are certain that their status as legal parents will be accepted in Britain.

The millionaire businessmen, who recently sold their consumer testing company, say that they are not making a political stand but simply want a family and to be able to return home and live quietly. “We never started the process to be pioneers. We started it to be parents,” said Mr. Barlow.

Speak about the problems the homosexual couple faced while claiming to be legally recognised as a family in Britain.

Marriage by the Church of England

A marriage can be **solemnised** by the Church of England only where:

- 1) **a special license** has been issued by the Archbishop of Canterbury, or other authorized person or:

- 2) a common license has been issued by a bishop or his surrogate (deputy) for the marriages of persons residing within his **diocese** within 3 months of the issue of the license: Marriage Act 1949; or
- 3) a **certificate** has been issued by a **superintendent registrar**. Such a certificate may be used under **the Marriage Act 1983**, to permit the marriage of those who are housebound, or in hospital or prison;
- 4) **banns** have been published (i.e. a **public announcement** made) on 3 successive Sundays, preceding the marriage in a church authorised by the Bishop for the purpose and for the celebration of marriages in the parish, in which one or both of the parties reside.

Church of England marriages must be solemnised in the presence of 2 or more witnesses in addition to the clergyman, between the hours of 8 a.m. and 6 p.m.: **Marriage Act 1949**.

Marriage by other means

The following marriages may be solemnised on the authority of a superintendent registrar's certificate:

- a) a marriage in a registered building, in such form and ceremony as the parties see fit to adopt;
- b) a marriage in the office of the superintendent registrar;
- c) a marriage according to the usages of the Society of Friends (Quakers);
- d) a marriage between two professing Jews according to the usages of the Jewish religion.

In each case a marriage must take place **in the registrar's office** or in a building approved by him. The registrar's certificate of authority to marry remains valid for 3 months. 2 witnesses must be present at the ceremony, and the marriage must be celebrated by a person licensed for the purpose or

by the registrar, and the doors of the building must remain open throughout so as to allow public access: **Marriage Act 1949**.

Legal Consequences of Marriage

These are chiefly as follows:

- 1) the parties should co-habit unless separated by agreement or by a **decree of judicial separation** from a court;
- 2) the husband must normally support the wife financially in a style fitted to his income. She loses this right if she deserts her husband or if the marriage is dissolved or **annulled**. Her adultery is no longer an automatic bar: **Domestic Proceedings and Magistrates' Courts Act 1978**. Although it remains a factor to be taken into account. At common law a wife was under no obligation to support her husband, but now the wife may in certain circumstances be bound to assist the husband financially: **Matrimonial Causes Act 1973**.
- 3) Disputes as to property between **spouses** may be settled by **the High Court or County court: Married Women's Property Act 1882**, s. 17 (under **the Matrimonial Homes Act 1983**, the court may give a spouse a right of occupation of **the matrimonial home**, even if it belongs legally to the other spouse).
- 4) One spouse can now **be prosecuted** for stealing from the other: **Theft Act 1968**.
- 5) Spouses can now **sue each other in contract and tort**, though the court may stay any such tort action where it appears desirable: **Law Reform (Husband and Wife) Act 1962**.

Nullity

A marriage is null and **void** (= i.e. regarded by the courts as never having taken place) where:

- a) one of the parties is already married;

- b) the parties are not respectively male and female;
- c) see 'capacity to marry'.

These provisions are contained in **the Matrimonial Causes Act 1973**, s. 11, according to which a degree of nullity in the case of a **voidable marriage** must not be granted if:

- a) the court is satisfied that the petitioner knowing he (or she) could have avoided the marriage, conducted himself/herself in a way suggesting that he or she would not do so, and
- b) **to grant a decree** would be unjust.

The Matrimonial Causes Act 1973, s.12, provides the following grounds for avoiding a marriage:

- a) non-consummation (whether due to refusal or incapacity);
- b) lack of consent;
- c) unfitness for marriage because of mental disorder: **Mental Health Act 1983**;
- d) where one party suffers from a communicable venereal disease, or
- e) where the respondent was pregnant by some person other than the petitioner.

Divorce Under The Matrimonial Causes Act 1973

This act reenacted the provisions in the Divorce Reform Act 1969, thus affirming that '**irretrievable breakdown of marriage**' is **the sole ground for divorce**. What constitutes breakdown will clearly depend on the circumstances of each case, and for the prevention of rash divorces the Act makes provision for a **reconciliation procedure** which must be followed before any divorce can be granted.

To establish '*irretrievable breakdown*' one party must establish one or more of the following five 'facts':

- 1) That the respondent has **committed adultery** and the petitioner finds it intolerable to live with the respondent. Both elements must be established (**adultery and intolerability**);
- 2) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
- 3) that the respondent has deserted the petitioner for continuous period of at least 2 years immediately preceding presentation of the petition;
- 4) that the parties have lived apart for a continuous period of at least 2 years immediately preceding presentation of the petition, if the parties agree to divorce;
- 5) that the parties have lived apart for a continuous period of at least 2 years immediately preceding presentation of the petition, and whether the parties agree to divorce or not.

Note: (1) There was a time when generally no petition could be brought for divorce during the first 3 years of marriage. This period has been reduced to one year: **Matrimonial and Family Proceedings Act 1984**;

(2) There is a waiting period of (usually) 6 weeks between **a decree nisi** and **a decree absolute**. During this time the marriage subsists. The divorce is granted unless (nisi) any cause can be established for not making it absolute.

Topics for discussion:

1. Should the law be used to enforce any particular moral code, do you think? Discuss whether the law should make sexual relations between consenting homosexuals or lesbians a crime.
2. Should the wife support her husband financially or is it entirely the duty of a man?

3. Adultery is not the sufficient ground for a divorce nowadays. Do you also think so?
4. What factors should constitute the irretrievable breakdown of marriage?
5. Should the spouses stay together for the sake of their children? Before, a bad marriage was considered to be better than no marriage at all. And now? Has the attitude toward marriage changed? For the better or for the worse?

Subjects for written exercises:

1. Legal consequences of a marriage. Would you introduce any changes?
2. The sufficient grounds for nullifying a marriage.
3. The sufficient grounds for obtaining a divorce.
4. Voidable marriages.
5. Capacity to marry.
6. Legal consequences of marriage.
7. Marriage by different means.

FAMILY LAW IN THE UNITED STATES

The validity of the marriage is determined by the state where it takes place. Though the US Constitution requires all states to give full faith and credit to all enactments of the other states, however, each state has the right to control the activities of its own citizens if a resident of one state goes to another state to get married because he wants to avoid certain restrictive provisions limiting his right to marry within the state, his home state may refuse to recognize that marriage.

In most states the age of consent for males is 18 and 16 for females. But they may require the consent of their parents or guardian until the male is 21

and the female – 18. Several of the states have laws that prohibit intermarriage between the races, so called **miscegenation** laws, making such marriages void and the issue illegitimate. Although states have the right to determine requirements for a valid marriage or a valid divorce, there can be no violation of an individual's constitutional rights /the 14th Amendment/.

Many of the states specifically prohibit the marriage of epileptics, lunatics, idiots, imbeciles and people of weak and unsound mind. Some have included alcoholics, drug addicts, habitual criminals. Marriages between blood relatives closer than cousins /uncle-niece, aunt-nephew, brother-sister/ are void because they are incestuous /**incest** sexual intercourse is between people who are closely related/.

A marriage may be dissolved by annulment or divorce. It may also be terminated by a proceeding when one spouse has been absent for more than 5 years or where the spouse has been sentenced to serve a term of life imprisonment.

If the bride and groom are underage, they must present the consent of their parents, but parental consent for underage applicants may be dispensed with if the marriage ceremony is performed by a judge.

At least three quarters of the states require a medical examination and certificate prior to the issuance of the license to assure the absence in both of any communicable disease.

About one third of the states recognize **common-law marriages**. A common-law marriage is an agreement made by a man or a woman to live together as man and wife without any official ceremony, license, certificate, or legal formality. It is entirely dependent upon their solemn intention to cohabit and live together in decent and orderly manner, holding each other out to their neighbours and to the community as husband and wife. A common-law marriage which is valid in the state where it was consummated

is valid and recognized in all states. However, if a resident of a state which does not recognize the common-law marriage left the state to enter into such a marriage, the state has the right to refuse to recognize it.

Marriage by contract is another form of marriage without official ceremony and without a license. This form is only recognized in a few states. Both parties enter into a written contract of marriage.

Each state requires that the marriage be solemnized by a religious leader, a public official or a judge. After such a ceremony some record must be kept/made of the marriage by the filing of the marriage certificate with a designated office for the keeping of such public records.

Rights and responsibilities of husband and wife

The husband is the head of the house. He chooses the domicile, the permanent location for the household. The wife and family must reside at the place chosen by him unless it is unreasonable and is detrimental to their health and welfare. It is his duty to support and maintain his family out of his property or the result of his labour. He must maintain them in accordance with his financial ability. A husband who is prosperous may not keep his family in poverty. He may not limit them to the bare necessities of existence.

Some states provide that if the husband is unable to support his family **it is the duty of the wife to help him in this responsibility**. The husband when he acquires property during the marriage, is the owner unless it is taken in the name of both the husband and the wife or it is purchased by the earnings of both. The property which the wife owned before her marriage or which she individually acquired since, continues to belong to her. **Desertion** of the husband and failure to support his family may subject him to criminal prosecution. A person who deserted his family and is apprehended in another

state may be compelled to contribute to their support by proceedings instituted in the state where he is located through the Family Court.

The various grounds for divorce are: adultery, cruelty, abandonments, desertion, neglect, habitual intemperance, addiction to drugs, habitual drunkenness.

In New York until recently, the only basis for divorce was adultery. New legislation has introduced cruel and inhuman treatment, imprisonment for more than three years and separation, either by decree or agreement, after one year, as additional grounds for divorce.

Incompatibility and a breakdown of the marriage – such grounds are not accepted by all states.

An action for divorce is brought by the person who claims to be affected by the conduct of his spouse. He sets forth the grounds on which he bases his claim and asks for a decree of the court to dissolve the marriage and give him custody of the children. If the plaintiff is a woman she will also demand permanent **alimony** if she wins the divorce. If the wife is the defendant she will, when she answers the complaint, make a request for alimony and counsel fees to defend the action.

The “Foreign” Divorce Decree

The decree of divorce obtained in one state is recognised as a “foreign divorce” and enforceable in all other states. The problem of enforcing a “foreign divorce” arises when a person who is resident of one state, seeking a divorce which is difficult to obtain goes to another state and obtains a divorce there. He then returns to his home state and attempts to enforce the terms of that out-of-state divorce.

The “Quasi-Marriage”

The currently widespread practice of couples living together without the benefit of a legal marriage ceremony has brought to the fore the question of their legal obligations.

If this quasi-marriage consists only in living together, there is no legal commitment. However, if this relationship is based on some agreement or mutual promise between the two persons, we have the elements of a contract and its consequent mutual obligations.

The matter then becomes merely a question of proof. If a contract is established and the commitments under it are proved, then the court will enforce it.

Of course, if a common-law marriage is established and such a marriage is legal in the state where litigation is instituted, then the regular marital responsibilities are in effect.

Separation

A legal separation from ‘bed and board’ is accomplished by agreement or court and continues all existing marital obligations while giving the parties the right to live separate and apart.

The provisions of the separation agreement usually drawn with the aid of counsel contain all the terms agreed upon by the parties (custody of the children, financial support of the wife and the children and rights of visitation with the children).

In the event of a subsequent divorce and the wife’s remarriage the husband may have to continue to pay alimony unless the contract so states to the contrary.

When a husband and wife resume their marital relationship they automatically terminate their separation agreement. The legal effect of a separation is to give each the right to establish his own household and to live

separately and apart from the other. Both are relieved of their marital duty to cohabit. They are, however, not free to remarry since they are still married to each other.

Summation

Marriage is the foundation of the family. The family is the basis of our social structure. The obligations and responsibilities in marriage and in the family form the core of communal existence. Some of the basic concepts to keep in mind are:

- a) marriage is more than just a contract. It is a
- b) relationship vital to the public interest. It cannot be created or dissolved without permission or authority of the state.
- c) The husband and the wife are responsible to each other and to the community. The children, although a primary obligation of their parents, are also considered the wards of the state, receiving the protection of the courts.
- d) Each state by its laws authorizes the dissolution of a marriage. The grounds for such dissolution are specific and must be complied. Annulment, separation and divorce are available depending upon the right to such relief.
- e) The United States Constitution directs that a judgement of one state is entitled to full faith and credit in the courts of a sister state.
- f) The “foreign” divorce is subject to the same scrutiny in the courts of the sister states.
- g) Divorces obtained in a foreign country are recognized on the basis of comity between the countries. However, here again the state court is entitled to delve into the question of jurisdiction. If these decrees and judgements are based upon the required jurisdiction then they are enforceable in all courts in the United States.

Topics for discussion

1. Common-law marriage. Consider all the pros and cons.
2. Separation or divorce? Which is the lesser of the two evils?
3. Compare the procedure of obtaining a divorce in the US and Russia.
4. A marriage is more than just a contract. Why?
5. The divorce procedure.
6. The contractual nature of marriage.
7. Incompatibility or break-down of the marriage?

Subjects for written exercises

1. The most essential grounds for divorce. Arrange them in the order of their importance.
2. Types of marriages.
3. Prohibited degrees of marriage.
4. Miscegenation and incestuous laws.
5. The “foreign” divorce.
6. Duties and responsibilities of spouses.
7. The irretrievable breakdown of marriage.

IV. ROLE PLAY. ACT AS A JUDGE!

In this part of the manual you will read about real cases in court, the kind you see on TV or read about in the newspapers. What you read is close to the way it really happened. You will learn to think like a judge. You’ll see that what looks simple really isn’t, that neither side is all right or wrong. You will have to balance the rights and duties of the people.

No right or wrong answers with these case problems are given. You make your own right answers! You study the facts, listen to the arguments of

attorneys for both sides, and hear the witnesses. Then you fill in to your own satisfaction the questions on the judge's "Think Sheet". You think. You weigh the evidence. You try to balance one against the other. And whatever you decide is right. Because – **YOU WILL BE THE JUDGE!**

The Model And The Broken Marriage

Today **YOU ARE TO** decide **a divorce case**. It is an unusual case, because it is the husband who is asking the court for support. Lisa Cameron **filed the suit against** John Cameron. Now she is **on the witness stand** and her attorney is questioning her.

«You've said, Mrs. Cameron, that you were quite happy in your five-year marriage until six months ago. What happened then to change it?»

«There was an accident where John worked. A heavy transformer fell and broke John's spine. We spent all of his insurance money and what he got for settlement. Now we know he will remain in a wheelchair the rest of his life. I quit my job to take care of him, but now I can't go on doing so. I am terribly sorry for John, but I have my own life to lead.»

«Is there any way he can earn his living in that wheelchair?»

«He's planning to study accounting, but it will take at least two years until he can earn anything.»

«What are you going to do to earn your own living?»

«I was a fashion model before our marriage, and I've just made arrangements to go back to the company I was with then.»

John's attorney now **cross-examines** Lisa. «Mrs. Cameron, tell me, please, if you are earning as much money as you did before you left your company? Possibly more than before?»

«Yes».

«So you're earning a very good salary. Is that right?»

«Yes».

«And your injured husband has asked you to help support him?»

«That's right».

«And you refused?»

«I told him it was impossible; I had a lot of expenses».

Now each **attorney** presents his views. John's attorney says, «**Your honor**, this unfortunate man has no income and won't be able to earn anything for quite a long time. In such cases, the law says the wife must help him if she has the ability to do so. Mrs. Cameron has a job where she makes good money and should be ordered to help her husband».

Lisa's attorney says, «The law says it is the husband's duty to support his wife, not the other way around. Though it may sound cruel, Lisa does have expenses despite her good salary. She would be seriously inconvenienced to have to make support payments. She gave him devoted care while he recovered from the worst effects of his accident. Now, as she says, she should be free to rebuild her life. She should not have the burden of paying for her husband, too».

«I will consider this case, **counsellors**», you say, «and you should receive my **decision** shortly. Thank you for your presentations».

* * *

Now you are alone in your judge's chambers. You must find the answers to several questions so that you can decide the case, and be sure your decision is within the law. You must consider all the facts, and then complete your official opinion and order.

JUDGE'S "THINK SHEET"

What are the facts?

1. Was Lisa in any way to blame for John's injuries? _____

2. Did Lisa do all that a wife could do to help him toward recovery?_____
3. Has John supported Lisa up to the time of his accident?_____
4. Had Lisa had to work during the five years of her marriage?_____
5. Is John able to support himself?_____
6. Is Lisa able to support herself?_____
7. What reason does Lisa give for refusing support payments to John?_____
8. Does the fact she may be “seriously inconvenienced» mean she cannot afford payments?_____
9. Is John in real need of support?_____

***IN THE SUPERIOR COURT OF THE STATE, IN AND FOR THE
COUNTY OF MONROE***

LISA CAMERON

Plaintiff and cross-defendant

vs

Div. 0254 - 82

JOHN CAMERON

Defendant and cross-complainant

COURT’S OPINION AND ORDER FOR JUDGMENT

Here Lisa Cameron **sued her husband, John, for divorce**, and John **cross-complained against Lisa for support money**.

John was injured in an accident. He is crippled for life and must remain in a wheelchair for life. He is studying accountancy, and hopes to make his living that way, as soon as possible. Meanwhile he *needs/does not need* income.

Lisa has a job making good money. She is *willing/not willing* to give John any of her money for support. She says this will be “inconvenient”. That seems to mean it will be *hard/impossible* for her to pay anything out of her earnings.

For many years it has been the duty of a man to support his wife. This is true even if the wife has money of her own.

But it is also the duty of the woman to support her husband when he is in need. One state, for example, says that the wife must support the husband when he hasn't left her. This would be when he hasn't any money or property, and the couple does not own money or property together. Also, he would have to be sick, or crippled so that he couldn't work.

So, a sick or crippled man, without money or job, **is legally entitled to** have his wife support him, if she is able to do so.

The laws of our fifty states are not all the same. But most will agree that husbands or wives are supposed to respect each other and help each other. When they are living together, most states still say that the husband is the head of the family. He may decide where and how they live, if what he decides is reasonable.

Here Lisa *should/should not* be ordered to pay support.

JUDGE OF THE SUPERIOR COURT

The Machinist And The Murder Plot

THE TRIAL OF DANIEL BLEEKER for attempted murder has gone on now for several days. There was no jury. All the evidence is in. As judge, you review the facts.

“Daniel Bleeker was an old friend of Roger Richardson. Bleeker had no criminal record. Richardson had been arrested several times for suspected

dealing in narcotics, but never convicted. He was under investigation by authorities at the time of this attempted murder. Richardson was married to Linda, who had inherited quite a bit of money and property from her former husband. They didn't get along. There were many quarrels and fights. Richardson decided he wanted to get rid of Linda. But he didn't want a divorce, because he wouldn't get any of her property. So he decided to murder her.

“Richardson met Bleeker at a factory where Bleeker worked as a machinist. He said, ‘Help me knock off my wife. I’ll give you half the money. I know you’ve got a gun. We’ll make it look like a burglary. We’ll shoot her and take stuff out of the house to make it look good.’

“Bleeker refused. In the days that followed Richardson kept after him. Bleeker still wouldn't take part in the shooting. Finally Richardson said, ‘Okay, I’ll do it myself. But you’ve got to lend me your gun. And show me how to use it.’

“Bleeker agreed to that, but no more. There were several more meetings after that and phone calls in which Richardson mentioned the time he'd commit the faked burglary. Neither man knew that police investigating Richardson had tapped his telephone line.

“Richardson did as planned. He forced a lock on his own home, went upstairs at 3 o'clock in the morning, and into his wife's bedroom. He saw a huddled form in the bed by the light of the moon. And he fired three shots. Then the policemen, hiding nearby, ordered him to drop the gun and put up his hands. Richardson, apparently believing he'd killed Linda, panicked, and shot and killed himself. The form in the bed, however, had been a dummy. The officers, knowing the plot, had put it there, after getting Linda to a place of safety.

“Soon after that, they arrested Daniel Bleeker and charged him with criminal conspiracy to commit murder. Now, Counsellors, if you wish to comment, I’ll be glad to listen.”

The district attorney said, “As your honor knows, before there is a crime, there must be the intention to do the act, and the act itself. The two go together. An act without intention is not a crime. Nor is intention without an act. This is true when one joins a criminal conspiracy. That is, a plan to commit a crime. And everyone who knowingly takes part in the act is responsible for it. If one makes a bomb that someone else sets, he is just as guilty as the one who sets it. Or the one who waits in a getaway car is as guilty as those who go inside and rob the bank. Here the accused man loaned his gun, and showed his friend how to use it. He knew his friend intended murder. Daniel Bleeker should therefore be found guilty of conspiracy to commit murder.”

Bleeker’s attorney said, “There is no conspiracy here because there was no crime. Richardson fired at a dummy. His wife was nowhere around. That made the crime impossible. For example, there’s a court ruling where someone thought he was bribing a juror. It turned out the person was not a juror at all. And they had to let the accused go free. Same result where a man thought he was buying stolen goods, but they weren’t actually stolen. In other words, you cannot convict a man for trying to do something that is legally impossible to do.”

You say, “Counsellors, thank you for your comments. As soon as possible, I will give you the court’s decision.

JUDGE’S “THINK SHEET”**What are the facts?**

1. Why did Richardson want to kill his wife?
2. Why didn’t he just shoot her without letting anyone know what he was up to?
3. Did Bleeker know what Richardson was going to do with the gun he loaned him and taught him to use?
4. What was Bleeker going to get in return for lending the gun?
5. Did Richardson think his wife Linda was in the bed when he aimed the gun and fired at the humps in the bed?
6. Would Richardson have succeeded in killing his wife if the police hadn’t known about the plot and put the dummy in the bed?
7. Would Bleeker have been guilty of murder if Richardson had actually succeeded in killing his wife?

**IN THE SUPERIOR COURT OF THE STATE, COUNTY OF
MONROE****THE STATE****Plaintiff****vs****DANIEL BLEEKER****Defendant****COURT’S OPINION AND ORDER FOR JUDGMENT**

The state says Daniel Bleeker is guilty of conspiracy to commit murder because he loaned a gun to a person wishing to kill his wife. The police successfully prevented the crime.

The question is whether a person can be punished for conspiring to help do something that could not have happened. This is a very fine point of law.

If you conspire to do something that is legally impossible, that is not a crime.

For example, as Bleeker's attorney points out, you can only **bribe a juror** if he or she is actually a juror. Otherwise, that is a legal impossibility. But it is a crime to conspire to do something even if it is impossible because of the facts. That's a factual impossibility. A thief who tries to pick an empty pocket is guilty of an attempted crime. Or trying to rob a safe that turns out to have nothing in it.

If an accused person can prove he was "entrapped" by the police into committing a crime, the court will not find him guilty. Entrapment, the courts say, is an evil practice. All too often a government informer tries to get someone to do an illegal act. It may be the sale of narcotics, or it may be, as here, murder.

The police set up a dummy. They got Richardson to think it was his wife in the bed. So he fired – and then killed himself. The police then charged Bleeker with **conspiring** to commit murder because he lent his gun to Richardson even though he knew what Richardson was going to use it for. Was setting up the dummy entrapment? Or was that different from an informer trying to get a suspect to sell him marijuana cigarettes?

Here we have a case where a man shoots at an empty bed, thinking someone is in it. He is wrong. The court believes this is a **legal/factual** impossibility.

Daniel Bleeker is **guilty/not guilty** of the crime of conspiring to commit murder.

He **should/should not** be sentenced as provided by law.

JUDGE OF THE SUPERIOR COURT

The Sheep And The Sharpshooter

THE CASE BEFORE you today is Charles Mero, a rancher, who is suing Gregory and Greta Watson, parents of Greg Watson, Junior.

Charles Mero is on the witness stand. His attorney says, “Mr. Mero, what do you do on your ranch?”

Charles replies, “I raise sheep. I brought some here from England years ago. They’re very valuable.”

“I call your attention, Mr. Mero, to January 10, about noon. What happened on your ranch at that time?”

“I had the flock grazing on a mountain meadow. There are a lot of trees around there. And a spring. I was coming up the path to the meadow when I heard the shot. It sounded like a heavy rifle. Well, I hurried up. And right near the spring one of my best sheep lay dead. Near it was this scared-looking kid with a big thirty-ought six rifle. About 13, 14 years old.”

“Did he speak to you, Mr. Mero?”

“Sure. He said, ‘I didn’t mean it. I didn’t know it was a sheep. I couldn’t tell through all the brush and leaves. I thought it was a wild animal.’ I was plenty mad. I said, ‘It could have been a human being, too, couldn’t it?’ I said, ‘We better get in my truck and take a ride over and see your parents about this’.”

“Did you see the parents?”

“I certainly did. They were pretty upset. They said he’d had a B.B. gun for three years, since he was ten. He’d been wanting a rifle so he could join his school rifle club and get on the team. So they got him one for Christmas. They wanted him to learn to use it properly from the club instructor. But when Gregory went back to school after the holiday vacation, the club hadn’t started up yet. So this day, Saturday, Gregory went off hiking by

himself in the woods. Then, as I said before, he saw something moving in between the trees and brush, and fired at it.”

“Did Gregory’s parents tell you they had taught him anything about the use of big caliber guns?”

“No”

“That’s all, Mr. Mero. Thank you.”

The attorney for the parents cross-examines. Then he has the parents testify. They say Gregory has always been a sensible boy, and they expected him to be careful.

Mr. Mero’s attorney then argues the case. “Here we have parents who give a young boy a dangerous, high-powered rifle. A type of rifle used by the military. It can kill a deer, or a human being a mile away. Yet the Watsons put this rifle in the hands of an untrained 13-year-old boy. They let him go hiking around the woods with it. They should be ordered to pay for the valuable sheep he killed.”

The attorney for the Watsons says they should not have to pay. “It wasn’t the parents that did the damage,” he says. “It was the boy. It isn’t fair to penalize them for something he did. They didn’t encourage him to go hiking with the gun. They didn’t even know he had gone. If they had, it’s most likely they would have said no. The Watsons should not be ordered to pay for the damage done by their child.”

“Counsellors,” you say, “thank you both. I’ll take the case under submission and let you know my decision in a few days. Court is adjourned.

* * *

Now you are alone in your judge’s chambers. You must find the answers to several questions so that you can decide the case, and be sure your decision is within the law. You must consider all the facts, and then complete your official Opinion and Order.

Judge's "Think Sheet"

What are the facts?

1. Was Charles Mero the owner of the sheep? Was he the person who had a right to complain about the killing?
2. Was the rifle Greg carried a dangerous weapon?
3. Could Greg's parents have prevented him from going for a hike carrying the rifle?
4. Was it a very careless act for the parents to give Greg possession of the rifle?
5. As a general rule, is a 13-year-old boy old enough to be trusted with a rifle of this type?

**IN THE SUPERIOR COURT OF THE STATE, IN AND FOR
THE COUNTY OF MONROE**

**CHARLES MERO, doing business as MERO LAND AND
LIVESTOCK COMPANY**

Plaintiff

vs

**Gregory Watson, Greta Watson, his wife,
And Gregory Watson, Junior**

Defendants

COURT'S OPINION AND ORDER FOR JUDGMENT

The Facts

The testimony shows that Charles Mero is a sheep raiser. He grazed one of his flocks on a mountain meadow. Gregory Watson, Junior, is a 13-year-old boy. He went hiking in the hills carrying a loaded large-bore rifle that his parents gave him. The parents, Gregory Senior, and Greta, had not instructed

the boy in proper care and handling of the rifle. They wanted him to get this instruction at school. However, the boy had not gotten this at the time. The boy saw a movement in the bushes, and fired at it. In doing so, he killed a valuable sheep belonging to Mero. He said he thought it was a wild animal.

Charles Mero **has/has not** sued the boy, and he **has/has not** sued the boy's parents, asking payment for the lost sheep.

The Law

There are two questions here. First, should the boy be ordered to pay for the sheep he killed? Second, should the parents be ordered to pay for what their son did?

The son is clearly a minor. Minors can be ordered to pay for the damage they cause. But only when they do not act with the same care as other minors their age and intelligence and experience. It seems to this court that Gregory Watson, Junior **did/did not** act with that degree of care.

The question about the parents is even harder. As a rule, parents are not responsible for what their minor children do. But most rules of law **have/do not have** exceptions. Or we may have to balance one rule against another rule. There's one that says we are responsible if we put something dangerous into the hands of someone else. If we make it possible for that person to damage people or property, we may have to pay. For example, suppose I lend my car to someone I know drinks a lot or takes illegal drugs. And my friend wrecks someone else's car. Surely I can be made to pay if my friend does not.

It **is/is not** much the same here. The parents **did/did not** put something dangerous into the hands of someone else.

Order for Judgment

The order of this court is that the minor, Gregory Watson, Jr., **was/was not** careless, or legally negligent. He **should/should not** pay for killing

Mero's sheep. The court also finds that his parents, Gregory Watson, Senior, and his mother, Greta Watson, **should/should not** also be ordered to pay.

JUDGE OF THE SUPERIOR COURT

V. MAKING A SYNOPSIS.

5.1. Read the article "No Remorse". Make a synopsis.

Fred Heyworth, 59, broke down and wept in the dock as he was sentenced. But his tears were derided by his son Robert, who claimed: "He was not crying for the children – he was crying for himself".

Detective Superintendent Peter Neyrough, who led the murder investigation, added: "This man has never seemed concerned with anybody other than himself. All of us involved in this case have been touched by this man's evil."

Heyworth was a bully who regularly beat his younger wife Janet. When she fled to her sister's home in Southampton, a furious Heyworth went there with a petrol can and matches. He poured the fuel through the letter-box and set it alight. A fireball exploded up the stairs. In the inferno that followed, his nephews and nieces Terry, 12, Alison, 10, Nicola, 8, and Patrick, 6, all died. Their parents, Melvyn, 46, and Beverly, 41, and another daughter Kelly, 14, escaped.

At the week-long trial at Winchester Crown Court Heyworth received four life sentences for the four murders plus ten years for the attempted murders of the survivors.

Heyworth was led away shaking. Someone had handed him the tissues for his tears. but Robert, the youngest of four children from his first marriage to Rosemary Read, condemned his father as 'evil, uncaring and domineering'. He said: "Since the killings I have visited him 20 times in prison and all he has ever talked about is himself and what he has lost. He

has never mentioned the children. There has been no remorse. He actually cried a couple of times, but that was because he was upset by the prison conditions.”

Robert’s mother divorced Heyworth after she discovered he was having an affair with a teenage girl from a majorette troupe he founded in Southampton. She was apparently unaware that another member of the troupe, Janette Fryer, was expecting her husband’s child.

Heyworth married Janette, 22 years his junior, after the birth of their daughter Michelle, now 20, and worked long hours as a courier to buy his new family a five-bed-room detached house in Bitterne, Southampton.

Soon Janette was discovering the truth about her husband’s rages and the marriage began to fall apart as he became ever more violent. Over the years she turned from an animated, smiling young woman, brimming with confidence, to a pale and fretful creature who would jump at the slightest noise.

On New Year’s Day last year, after another beating, she resolved to leave him. Her sister Beverly collected her and her young son Paul to stay with her family.

Heyworth’s son Robert said: “Years of violent domination by my father had almost broken Janette but Beverly gave her the strength to continue her life and move on. He had at last come up against a woman who was far stronger than him. He hated Beverly for that. He became obsessed about it. All he ever talked about was how Beverly was controlling Janette’s mind. Starting that fire was his way of taking revenge on the woman who helped his wife start a new life of her own.”

The court heard that just hours before setting the house alight he had described the Good family as ‘scum’. He told his wife in a phone call after she began divorce proceedings: “You will not get away with it. No matter

how long it takes I will get you and your sister.” Heyworth, who had denied the charges, said he thought the family was on holiday in Cornwall when he set fire to the house. He said: ‘As God is my witness I never intended to hurt any children. It’s not my nature.’

But the judge, Mrs. Justice Steel, said it must have been blatantly obvious that people were in the house. She said no sentence could heal the devastation and loss felt by the Good family, who all became innocent victims’.

The evidence showed his actions were both premeditated and carefully planned.

In a statement, Mr. and Mrs. Good said they were pleased Heyworth had been convicted but no punishment could make up for the crime. “We love our children and will miss them every day for the rest of our lives”, it said. **/Daily Mail, May 17, 1997/**

5.2. Mother Forgives Man Who Pushed Her Daughter Over Cliff

After Affair

/by Sean O’Neill

The mother of a woman who was pushed 200 feet off a cliff to her death said last night that she was standing by her daughter’s killer.

Joan Bingham, 70, said she did not believe that Denis Day, her son-in-law, would have tried to harm her daughter, Ann, deliberately.

Day, 55, a teacher, admitted the manslaughter of his wife after she confessed to a long-standing affair and asked for a divorce to end their 24-year marriage.

He pushed Mrs. Day, 47, from Trewent Point, one of the highest headlands on the Pembrokeshire coast path. The couple’s labrador, Jess, also fell and died in the incident.

Swansea Crown Court was told that the Crown accepted Day's manslaughter plea because, although he told a series of "freckless lies" after his wife's death, it could not disprove his account that the push was accidental.

Day left the courthouse with Mrs. Bingham after being remanded on bail to live at her home at Pembridge, near Leominster, Herefordshire. He will be sentenced at a later hearing.

"He was a very good husband and a marvellous father to his three sons," said Mrs. Bingham. "I am standing by him wholeheartedly. I never thought he would do any harm to my daughter. That is why I put him up straight away without any question.

"We are all standing by him and we will be there for him when he is sentenced. I don't think there is anything unusual about this."

Leighton Davies, QC, prosecuting, said that Day lied repeatedly about what happened to his wife after her death in April last year.

For two days he claimed that Mrs. Day, acting headmistress of a primary school, had failed to return after going for a walk with her dog along the coast path near their home in the village of Lamphey.

Day then changed his story and admitted going with Mrs. Day but said that their dog had caused her to stumble and fall.

Police brought murder charges against Day because of his changing story and a 90-minute delay between his wife's fall and a phone call to the emergence services.

They also discovered that Mrs. Day had had a long affair with Wayne Davies, a teaching colleague, and had served a divorce petition on her husband. He told detectives that he knew of the affair and had come to terms with it.

Mrs. Day's body was carried out to sea and, despite a search, was not found until it was washed up two months later 17 miles away on the beach at Tenby. Day dabbed his eyes with a handkerchief as Mr. Davies recounted his efforts to cover up his part in his wife's death.

"Mr. Day said his wife had fallen into the sea accidentally. He blamed the family dog for knocking her over and falling over the cliff. These were feckless lies told by the defendant."

Mr. Davies said the Crown had given anxious consideration to Day's plea of guilty to manslaughter before deciding to accept it.

"This is a circumstantial case. In view of his admission that he pushed his wife and that the prosecution cannot rebut his explanation of the push, we cannot prove murder as opposed to manslaughter.

"There is no forensic or scientific evidence implicating the defendant of causing injury to his wife prior to the incident.

"Her clothing was examined, their home, car and holiday chalet in the area were all looked at but police found nothing suspicious. There are no indications that Mr. Day planned to kill his wife."

There was no evidence of violence in the marriage and Mrs. Day had not cited violent behaviour in her divorce petition.

A witness who saw the couple on the coast path said they were not arguing.

Simon Mumford, Day's solicitor, said outside court: "This is one of the most extraordinary cases I have come across. Mrs. Day's death resulted from a completely non-malicious push, quite involuntary, which resulted in her going over the cliff edge." /**The Daily Telegraph, Jan. 2000/**

5.3. Apology to Liam Neeson and Natasha Richardson

SETTLEMENT of a libel action against The Daily Telegraph brought by Liam Neeson, the film star, and his wife, the actress Natasha Richardson, was announced in the High Court yesterday.

Mr. Mark Thomson, for the plaintiffs, told Mr. Justice Morland that Miss Richardson and her husband Mr. Neeson are internationally acclaimed, award-winning actors. Miss Richardson recently won a Tony award in New York for her performance in Cabaret and Liam Neeson is perhaps best known for his portrayal of Oskar Schindler in Steven Spielberg's highly acclaimed film Schindler's list. Next year he is scheduled to star in Star Wars Episode 1.

The plaintiffs met when they worked together on Broadway in 1992 and subsequently married in 1994. They have two young sons and live in the United States. Mr. Neeson is Unicef's Special Ambassador for Ireland.

On Saturday the 19th of September this year, The Daily Telrgraph published on its front page a colour picture of Miss Richardson with a caption stating that she has 'consulted lawyers about a divorce from her husband of four years, Liam Neeson'. It went on to state that «she is expected to file papers by the end of the month». Readers were then referred to the main text at the top of page three, where there appeared a half-page article with a large picture of the plaintiffs with a caption: «Movie Star marriage break-up». The two-section headline stated: «Natasha Richardson consults lawyers over her split from Schindler's list star and one-time womaniser». "Neeson faces divorce from actress wife".

The introductory text was printed in eye-catching black type at the top of the page and repeated the allegations in the headlines. There were five additional pictures, two of Mr. Neeson with female companions. The text also implies that the marriage between the plaintiffs had come to an end

partly because of Mr. Neeson's alleged womanising. These allegations are completely and utterly untrue and without any foundation whatsoever, said Mr. Thomson. The facts are that the plaintiffs are and have been happily married for four years and have two sons aged three and two. They live together. They have not parted nor do they intend to do so.

The marriage has not broken down nor have the plaintiffs "reached the end of the road" as Miss Richardson is reported to have said to a so-called 'friend'. At no time has Miss Richardson consulted lawyers concerning the breakdown of her marriage because it has not broken down and there is absolutely no question of a divorce.

The plaintiffs were astounded to read these untrue allegations, particularly in a paper of such repute as *The Daily Telegraph*. No one from the paper had even attempted to speak to either of the plaintiffs, their agents, publicists or families to ascertain whether these allegations were true and had they done so they would have learned that they are completely untrue.

The plaintiffs and their families had had to endure a week of worldwide press and media coverage of the alleged breakdown of their marriage.

The Daily Telegraph circulates in Northern Ireland where Mr. Neeson was born and where his family live, and throughout Europe. Several newspapers abroad have repeated the allegations citing *The Daily Telegraph* as their source. The plaintiffs have spent a considerable amount of time correcting the serious inaccuracies and the distress and hurt caused to them has been enormous.

The Daily Telegraph has now acknowledged that the allegations published about Mr. and Mrs. Neeson are completely untrue and it apologises to them for the distress and embarrassment caused. In addition, in light of the seriousness of the allegations it has paid substantial damages and all their costs.

Mr. Arthur Wynn Davies for the , for *The Daily Telegraph*, said he associated himself with all that Mr. Thomson had said.

On behalf of the Editor and publisher he apologised unreservedly to the plaintiffs for the publication of these allegations and the subsequent hurt and distress caused. In publishing this article, the paper relied upon a source thought to be reliable. It was a mistake to rely upon that source.

Appropriate steps had been taken to ensure that the allegations are not repeated. Mr. Justice Morland gave leave for the record to be withdrawn.

/The Daily Telegraph, 10 October, 1998/

V O C A B U L A R Y

ADJOURN is to bring a trial to a stop, esp. for a short period or until a slightly later time.

ADULTERY is sexual relations between a married person and someone who is not their husband/wife.

ALIMONY is money that a woman or man has been ordered to pay regularly to her/his former partner after they have been legally separated or divorced. It is usu. a man who is ordered to pay alimony to the woman to help her support their children until they are old enough to leave home.

ANNUL is to cause a marriage to no longer exist and to have no legal force; to rescind, repeal.

ATTEMPTED MURDER is the attempt to kill a person without succeeding in it.

BAIL is the money left with a court of law so that a prisoner can be set free until he/she is tried. If the prisoner returns to be tried, the money is returned.

BANNS are a public declaration, usu. made in church, of an intended marriage. In Britain, banns are read out on three separate Sundays before a marriage takes place. They include the words, "If any of you know cause or just impediment, why these two persons should not be joined together in holy Matrimony, you are to declare it". In the US banns are not usually declared now.

BREAKDOWN OF MARRIAGE is a sudden failure in marriage.

BRIBE is to influence the behaviour or judgement (esp. someone in a position of power) unfairly or illegally by offering them money, favours or gifts.

TO BRING MURDER CHARGES AGAINST SB. is to sue smb.

CASE is a question to be decided in a court of law.

CERTIFICATE is a document (= official paper) giving a statement made by an official person that a fact or facts are true.

CHAMBERS are rooms set aside for a special purpose, usu. for a lawmaking body.

CHARGES against smb. are an official statement that someone is responsible for a crime; accusation.

CIRCUMSTANTIAL CASE (of information, concerning a crime) based on or dealing with related circumstances, but not really proving anything; incidental.

CLERGYMAN is a member of the clergy; priest.

COHABIT is to live together as though married.

CONTRACT is a formal written agreement, having the force of law, between two or more people or groups.

CONUNDRUM is a confusing and difficult problem.

CONVICT is to prove or declare that someone is guilty of a crime after a trial in a court.

COUNSELLOR = MARRIAGE GUIDANCE COUNSELLOR =

A person who tries to help people who are unhappy in their marriage by asking them both to talk to him or

her about the problems and helping them to deal with the problems and to talk about their problems with each other.

COUNTY COURT is a local court of law in Britain or some US states which deals with small cases. In Britain county courts are used for civil cases, not for criminal cases, but in the US they are used for both.

CROSS-EXAMINE is to question a witness very closely, usu. to compare the answers with other answers given before.

CROWN COURT is a court of law in Britain, part of the Supreme Court of England and Wales which hears serious criminal cases and appeals from a Magistrates' Court.

CUSTODY is the act or right of looking after children and making decisions about their education, medical treatment, etc. esp. when this right is given in a court of law.

DECREE is a judgement of certain types in a court of law.

DECREE NISI is an order by a court that a marriage will be ended at a certain future time (usu. after six weeks) if there is no good reason why it should not end, e.g. both people have changed their mind.

DECREE ABSOLUTE is an order by a court that officially ends the marriage of two people, each of whom is then free to marry again.

DEFENDANT is a person against whom a charge is brought in a court of law. In Britain and the US a defendant is considered to be innocent until the police and the lawyers have proved his/her guilt to the jury beyond all reasonable doubt.

DEPARTMENT OF HEALTH is the government in Britain which is responsible for health and the National Health Service.

DIOCESE is (in the Anglican and Roman Catholic churches) the area under the control of a Bishop.

DISSOLVE a marriage is to cause the marriage to end or break up.

DO/CAUSE DAMAGE is to spoil the condition or quality of some thing and the harm or loss that results.

DETECTIVE SUPERINTENDENT is a British police officer of middle rank whose job is to find out the information that will lead to criminals being caught.

A DIVORCE PETITION is an official letter to a court of law, asking for consideration of one's divorce case.

DOCK is the place in the court of law where the prisoner stands.

DOMESTIC PROCEEDINGS are actions taken in law concerning the family or private life.

DRUGS /TAKE ~ are a substance one takes, esp. as a habit, for pleasure or excitement. Illegal drugs, esp. cannabis and LSD, became popular among young people in the 1960s and 70s. Drugs were seen as a way of examining the unconscious mind and of gaining knowledge of the rich experiences of the mind. The use of illegal drugs is now a serious problem in both Britain and the US.

EVIDENCE is something such as a fact, sign, or object that gives proof or reasons to believe or agree with something.

EXAMINE is to ask witnesses questions in order to find out something.

FAMILY LAW is a branch of law dealing with family matters such as divorce, separation, adoption, etc.

FORENSIC EVIDENCE is something physical, e.g. blood, hair, fingerprints, or drugs, which proves something in law.

GRANT a divorce, decree is to agree to fulfill or allow to be fulfilled.

GROUND FOR DIVORCE = a reason, the facts or conditions that provide a base for an action.

HIGH COURT OF JUSTICE is the lower branch of the Supreme Court of England and Wales consisting of the Queen's Bench Division, the Chancery Division, and the Family Division.

HOME OFFICE is the British government department under the control of the Home Secretary, responsible for justice and controls of people entering Britain.

HOME SECRETARY is the British government minister who is head of the Home Office.

ILLEGITIMATE is illegal; children born to parents who are not married.

IMMIGRATION LAW is a branch of law which deals with the process of entering another country to make one's life and home there.

INCEST is a forbidden sexual relationship between close relatives in a family, e.g. between brother and sister or parent and child, usu. considered unnatural and in most countries against the law.

INCOMPATIBILITY is being not suitable to be together with each other.

INSANE is seriously ill in the mind; mad.

INTERNATIONAL LAW is a collection of laws which is recognized by different countries and used in their relations with each other. The United Nations has the right to force its member countries to obey international law.

INTOLERABILITY is something which is unbearable, unfair.

IRRETRIEVABLE is something that cannot be got back or put back into the original better state.

LIFE SENTENCE is a prison sentence for a long period of time which is not fixed. In Britain, people are not punished by death, so a life sentence is given for murder or other violent crimes.

LITIGATION is the process of making and defending claims in a court of law, in noncriminal matters.

MAGISTRATE is an official who judges cases in the lowest courts of law. In England and Wales a magistrate is also called a **JUSTICE OF THE PEACE** or **JP**. Magistrates do not have a special education or training in law and are not paid for their work which is part-time and voluntary. They are advised by a clerk on matters of law, but decide the cases themselves. It is considered a very responsible position in society.

MAGISTRATES' COURT is the lowest court in England and Wales where magistrates hear and decide on less serious criminal cases, e.g. stealing, or decide if there is enough evidence for a more serious criminal case to go to a higher court. Over 90% of all criminal cases are heard in magistrates' courts, which are open to members of the public.

MANSLAUGHTER is the crime of killing a person illegally but not intentionally.

MARRIAGE is the union of a man and woman by a legal ceremony. In Britain and in the US it is now common, esp. among young people, for a man and a woman to live together without being married. Some couples decide to get married when they have children.

About one in three marriages ends in divorce (in the US, almost one in two) so there are many parents bringing up children alone. These things are no longer considered as shocking as they were in the past.

However, many people still consider to be happily married one of their main aims in life. Britain is the country of many different social groups and religions, so there are many different customs and attitudes to marriage, e.g. some British families of Asian origin arrange marriages for their sons and daughters.

MARRIAGE CERTIFICATE is an official document which proves that a marriage has taken place.

MARRIAGE LICENSE is an official document which people must get before they are allowed to marry.

MARRIAGE OF CONVENIENCE is a marriage contract agreed for social, political or economic advantage rather than for love, e.g. when a foreigner marries a citizen of the country in order to be allowed to stay in that country.

MATRIMONIAL HOME is the place where spouses live.

MENTAL DISORDER is the illness of the mind.

MISCEGENATION is the production of children by a sexual union of people of different races, esp. when one of the parents is white.

MONOGAMOUS is having one wife or husband at one time, the only legal form of marriage in most of the Western world.

MURDER INVESTIGATION is finding out things related to murder.

NON-CONSUMMATION is not having sex in a marriage.

PLAINTIFF is a person who brings a charge against someone (a defendant) in a court of law.

PLEA OF GUILTY is a statement by someone in a court of law saying that they are guilty of a crime.

PLIGHT is a bad, sad or serious situation or condition.

POLYGAMOUS is having more than one wife or husband at the same time in a society where this is

allowed. In Britain and the US it is against the law for men or women to do this.

PREMEDITATED is planned in advance or done on purpose.

PROHIBITED DEGREES OF RELATIONSHIP ACT 1986 is the act which prohibits the intermarriage of blood relatives.

PROSECUTE is to bring a criminal charge against someone in a court of law; (of a lawyer) to represent in court the person who is bringing a criminal charge against someone.

QUAKERS are members of a Christian religious group called the Society of Friends. Quakers believe in 'inner light', have no ministers or organized service, and often spend their religious services (called Meetings) in silence. Quakers are known for their opposition to violence and war, and are active in helping other people and in education.

QC = Queen's Counsel is the title given to a British barrister of a high rank.

REBUT is to prove the falseness of a statement or charge; refute.

RECONCILIATION is bringing back normal relations.

REGISTRAR'S/REGISTRY OFFICE is an office where marriages can legally take place and where births, marriages and deaths are officially recorded.

Many people who do not want a church wedding get married in a registry office instead, esp. if they want the wedding to be a small, private event.

Practising Christians usu. get married in a church.

REMAND is to send back to prison from a court of law, to be tried later after further inquiries have been made (often in the phrase *remanded in custody*). One of the problems of the prison service in Britain is that remand prisoners have to live in the same conditions as people who have already been convicted of a crime, often for quite a long time, even though they may be completely innocent.

RESPONDENT is a person who has to answer a charge in a law court, esp. in a divorce case.

SOLEMNISE a marriage is to perform a formal religious ceremony.

SPOUSES are officially married husband and wife.

STATEMENT is an official spoken or written declaration with regard to the case, the sentence, etc.

SUE SB. for ~ is to make a legal claim (against), esp. for an amount of money, because of some loss or damage that one has suffered. Suing is esp. common in the US. One may sue a doctor who has not given a proper treatment. Employees may sue their employers for workmen's compensation if they have an accident at work. One may sue a driver who has caused a traffic accident. Even a homeowner can be sued if a visitor falls and gets hurt due to the owner's carelessness.

SUPERINTENDENT REGISTRAR is a person who is officially in charge of official records.

TESTIMONY is a formal statement that something is true, made by a witness in a court of law.

THEFT ACT 1968 allows spouses to sue their husband or wife for stealing his/her property.

TORT is a wrongful but not criminal act, that can be dealt with in a civil court of law.

TRIAL is an act of hearing a judging a person, case or point of law in a court.

VALID is written or done in a proper manner so that a court of law would agree with it.

VOID (esp. of an official agreement) having no legal force.

VOIDABLE MARRIAGE is the one which does not legally exist.

WITNESS is someone who tells in a court of law what they saw happen or what they know about a person.

WITNESS BOX is the raised area, enclosed at the sides, where witnesses stand in court when being questioned.

Семья. Семейное право

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