INDEX

Abinger, Lord 118, 121
adjudication
  appellate review 69
  bureaucratic 8
  Chancery 72–6
  common law 69–72
  fact-finding 67
  Inland Revenue appeals 157–74
tax see tax adjudication
see also judicial decision-making
Aguillon, Robert 15
Alderson, Edward 108, 147, 148
Alexander III (king of Scotland) 15
Alexander III (pope) 47
Anderson, Chief Justice 56, 62
appeals, Inland Revenue 157–74
appellate review
  adjudication 69
  Holland and Zeeland 238–9
  argument see legal argument
Atiyah, Patrick 114
Australia, High Court 292–305
Babington 40–1
Bacon, Francis 64
Bacon, Vice Chancellor 131
Bahamas, judges and judging 277–91
Baker, John H. 79, 219
bankruptcy
  law reform 103
  regulating enterprise 132–7
Barbour, Willard 73
Basset, Philip 15
Beaumanoir, Philippe de 192, 207
Beaumont, Robert of (earl of Leicester) 199
Becket, Thomas 199
Beckingham 29–30
Bentham, Jeremy 107
Bereford 31, 34
Berwick 31
Bethune, Robert of 197, 201
Bijnkershoek, Cornelis van 236, 237, 238, 240–1, 252, 254
Blackburn, Colin 109, 120
Blackstone, William 67, 75, 151, 221
bloody code 106, 138, 139, 140, 142, 144
body politic
  natural body distinguished 46–7
terminology 39–40
Boswell, James 77
Boulogne, Eustace of 197
Bowen, Charles 110, 119
Brabazon 33
Bramwell, George 108, 111, 132, 154
Brand, Paul 3–36, 199
Brett, W. B. 110, 137
Bridges, Serjeant 48
Brooke, Robert 50
Brookfield, F. M. (Jock) 308
Brougham, Lord (Lord Chancellor) 99, 107, 141, 144
Browne 53, 54, 59
Brunel, Robert 195, 200, 201, 204, 205, 208
Brunton, William of 29, 33
Bryan 45, 46, 49
Cadogan, Henry 244–7
Cairns, D. 152
Cairns, Lord 107
Campbell, John (Chief Justice) 141, 145, 150
<table>
<thead>
<tr>
<th>Index</th>
<th>341</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardigan, James Thomas Brudenell (7th Earl)</td>
<td>150</td>
</tr>
<tr>
<td>Carr, Cecil</td>
<td>38</td>
</tr>
<tr>
<td>Catesby, Serjeant</td>
<td>48</td>
</tr>
<tr>
<td>Cave</td>
<td>31</td>
</tr>
<tr>
<td>caveat emptor</td>
<td>116</td>
</tr>
<tr>
<td>Chamberlain, Joseph</td>
<td>136</td>
</tr>
<tr>
<td>champions, proof</td>
<td>11</td>
</tr>
<tr>
<td>Chancery</td>
<td></td>
</tr>
<tr>
<td>adjudication</td>
<td>72–6</td>
</tr>
<tr>
<td>contract</td>
<td>73</td>
</tr>
<tr>
<td>depositions</td>
<td>75</td>
</tr>
<tr>
<td>evidence</td>
<td>73</td>
</tr>
<tr>
<td>interrogatories</td>
<td>74–5</td>
</tr>
<tr>
<td>personnel</td>
<td>74, 105, 106</td>
</tr>
<tr>
<td>procedure</td>
<td>72–6</td>
</tr>
<tr>
<td>reform</td>
<td>103</td>
</tr>
<tr>
<td>Roman-canon law</td>
<td>72</td>
</tr>
<tr>
<td>Charles V (Holy Roman Emperor)</td>
<td>243</td>
</tr>
<tr>
<td>Charles the Good, Count</td>
<td>197</td>
</tr>
<tr>
<td>Chin Wong, H. Ke</td>
<td>38</td>
</tr>
<tr>
<td>Chitty, J.</td>
<td>78</td>
</tr>
<tr>
<td>Choke</td>
<td>47</td>
</tr>
<tr>
<td>circuits see judicial circuits</td>
<td></td>
</tr>
<tr>
<td>civil litigation</td>
<td></td>
</tr>
<tr>
<td>king’s court at Westminster</td>
<td>5–6</td>
</tr>
<tr>
<td>proof stage</td>
<td>11–12</td>
</tr>
<tr>
<td>civil pleas</td>
<td></td>
</tr>
<tr>
<td>Eyre</td>
<td>8</td>
</tr>
<tr>
<td>procedure</td>
<td>9–12</td>
</tr>
<tr>
<td>civil procedure see procedure</td>
<td></td>
</tr>
<tr>
<td>close rolls</td>
<td></td>
</tr>
<tr>
<td>judicial appointments</td>
<td>7, 18</td>
</tr>
<tr>
<td>patent and close rolls</td>
<td>7</td>
</tr>
<tr>
<td>Coke, Edward (Chief Justice)</td>
<td>50, 55, 58, 60–4, 219, 220, 270–6</td>
</tr>
<tr>
<td>Coleridge, John Taylor</td>
<td>108, 121</td>
</tr>
<tr>
<td>Common Bench</td>
<td></td>
</tr>
<tr>
<td>composition</td>
<td>13, 28, 29–30</td>
</tr>
<tr>
<td>concords</td>
<td>6–7</td>
</tr>
<tr>
<td>judicial appointments</td>
<td>7, 17–18</td>
</tr>
<tr>
<td>judicial oaths</td>
<td>8, 18</td>
</tr>
<tr>
<td>jurisdiction</td>
<td>8</td>
</tr>
<tr>
<td>law reports</td>
<td>16–17, 26–7</td>
</tr>
<tr>
<td>plea rolls</td>
<td>16, 25–6</td>
</tr>
<tr>
<td>replevin</td>
<td>25–6</td>
</tr>
<tr>
<td>Rex roll</td>
<td>15–16, 34–5</td>
</tr>
<tr>
<td>verdicts</td>
<td>26</td>
</tr>
<tr>
<td>common law</td>
<td></td>
</tr>
<tr>
<td>aboriginal title</td>
<td>307–8, 329–31</td>
</tr>
<tr>
<td>adjudication</td>
<td>69–72</td>
</tr>
<tr>
<td>companies</td>
<td></td>
</tr>
<tr>
<td>Bubble Act (1720)</td>
<td>124</td>
</tr>
<tr>
<td>investment and enterprise</td>
<td>123–32</td>
</tr>
<tr>
<td>joint enterprise</td>
<td>123–6</td>
</tr>
<tr>
<td>naive investors</td>
<td>126–7</td>
</tr>
<tr>
<td>composition</td>
<td></td>
</tr>
<tr>
<td>Common Bench</td>
<td>13, 28, 29–30</td>
</tr>
<tr>
<td>Eyre</td>
<td>13, 28</td>
</tr>
<tr>
<td>itinerant justices</td>
<td>13</td>
</tr>
<tr>
<td>King’s Bench</td>
<td>14, 28</td>
</tr>
<tr>
<td>outside justices</td>
<td>32–4</td>
</tr>
<tr>
<td>royal courts</td>
<td>13–14, 28–32</td>
</tr>
<tr>
<td>concords</td>
<td></td>
</tr>
<tr>
<td>Common Bench</td>
<td>6–7</td>
</tr>
<tr>
<td>Eyre</td>
<td>6–7</td>
</tr>
<tr>
<td>king’s court at Westminster</td>
<td>5–6</td>
</tr>
<tr>
<td>contract</td>
<td></td>
</tr>
<tr>
<td>caveat emptor</td>
<td>116</td>
</tr>
<tr>
<td>Chancery</td>
<td>73</td>
</tr>
<tr>
<td>freedom of contract</td>
<td>114</td>
</tr>
<tr>
<td>Holland and Zeeland</td>
<td>252–4</td>
</tr>
<tr>
<td>nineteenth century</td>
<td>116</td>
</tr>
<tr>
<td>per verba de praesenti</td>
<td>84–5, 88, 92, 93, 94, 95, 96–8</td>
</tr>
<tr>
<td>remoteness of damage</td>
<td>79</td>
</tr>
<tr>
<td>Roman law</td>
<td>252–4</td>
</tr>
<tr>
<td>contract writs, debt and covenant</td>
<td>71–2</td>
</tr>
<tr>
<td>Cooke</td>
<td>56</td>
</tr>
<tr>
<td>I Corinthians</td>
<td>12 46</td>
</tr>
<tr>
<td>Corn Laws</td>
<td>113</td>
</tr>
<tr>
<td>corporation</td>
<td></td>
</tr>
<tr>
<td>personal actions</td>
<td>41</td>
</tr>
<tr>
<td>terminology</td>
<td>40</td>
</tr>
<tr>
<td>Cottenham, Lord</td>
<td>106</td>
</tr>
<tr>
<td>Cottu, M.</td>
<td>143</td>
</tr>
<tr>
<td>courts</td>
<td></td>
</tr>
<tr>
<td>Australia</td>
<td>292–305</td>
</tr>
<tr>
<td>Bahamas</td>
<td>277–91</td>
</tr>
<tr>
<td>Chancery see Chancery</td>
<td></td>
</tr>
<tr>
<td>Common Bench see Common Bench</td>
<td></td>
</tr>
<tr>
<td>common law</td>
<td>218</td>
</tr>
<tr>
<td>composition see composition</td>
<td></td>
</tr>
<tr>
<td>Crown Cases Reserved</td>
<td>146, 150</td>
</tr>
</tbody>
</table>
courts (cont.)
customary law 192–208
early modern monarchies 209–33
English superior courts 218–21
Exchequer 5–6, 18
Excise Commissioners of Appeal 159
Excise Court of Summary Jurisdiction 159, 164, 166, 167, 168, 170, 171
Eyre see Eyre
General Eyre 4–5, 8–9
Holland and Zeeland 234–56
Holy Roman Empire 221–32
Insolvent Debtors Court 133–4
King’s Bench see King’s Bench
king’s court at Westminster 5–6
Lille castellany court 193–6
nineteenth-century reform 103–4
personnel see personnel
quarter sessions 146
rivalry with crown 215–17, 219–21
royal see royal courts
superior courts 209–33
covenants, joinder 54–5
Coventry, Thomas 65
Crawley, Francis 65
Cressingham 31
Cresswell 118, 150
Cretney, S. 85
criminal justice
1808–61 138–56
bloody code 106, 138, 139, 140, 142, 144
codification 148
death penalty 138, 152
functions of justices 12–13
judicial circuits 3
judicial discretion 142–4
law reform debate 140–5
Royal Commission 145, 148
royal pardon 146
Select Committee (1819) 140
criminal pleas, Eyre 8–9
criminal procedure
1851 Act 150
jury trials 138, 145–56
legal representation 138, 145–6, 151–2
nineteenth-century reform 145–51
Crown Cases Reserved 146, 150
curia regis 5
customary law
charter material 199–201
collective judgments 192–3
English reports compared 204–6
Flanders 197–8
hidden reports 206–7
Holland and Zeeland 243–4
law reports 201–7
Lille castellany court 193–6
Lois de Lille 193–6, 201–4, 204–6
medieval Europe 192–208
outside Flanders 198–9
private notes 201–4
unknown judges 192–208
Dawson, John 74
defences, duress 43–5
defendants, sued twice 40–1
Denman, Thomas (Chief Justice) 107, 121, 141, 150
depositions, Chancery 75
Dialogue of the Exchequer 5
Dicey, A.V. 171
Dickens, Charles 74
Douai, Walter of 195, 200
dower, land 27–8
Duman, D. 141
ey early modern monarchies
courts 209–33
jurisdiction 209–33
method and structure 210–11
superior courts compared 211–32
Edward I (king of England) 16, 28–32
Edward IV (king of England) 47
Edward VI (king of England) 47
Eike von Repgow 192, 207
Eldon, Lord (Lord Chancellor) 103, 106, 107, 124, 125, 134, 140, 141
Ellenborough, Lord (Chief Justice) 92, 93, 106, 117, 120, 132, 140, 141
Erle 119
evidence
bonds 27
DEnEEN
INDEX

Chancery 73
judicial comment 77–8
proof stage 11–12
Ewart, William 144, 145
Exchequer
judicial oaths 18
king’s court at Westminster 5–6
memoranda rolls 18
Excise Commissioners of Appeal 159
Excise Court of Summary Jurisdiction
159, 164, 166, 167, 168, 170, 171
Eyre
capitulimini novi articuli 17
civil pleas 8
composition 13, 28
conords 6–7
criminal pleas 8–9
division of business 31
General Eyre 4–5, 8–9
groups of justices 15
judicial appointments 7, 17–18
judicial oaths 7–8, 18
jurisdiction 8–9, 17–18
rolls 16

fact-finding
1854 Act 82
adjudication 67
jury trials 67–8
no prior fact-finding 25–8
Fairfax 46
Fane, Cecil 135
fitzPeter, Geoffrey 9
Fleming, Thomas (Chief Justice) 265,
266, 270, 272
formalism see legal formalism
forms of action
categories 55–6
personal actions 41
France
legal profession 212–15
Parlements 211–12
rivalry with monarch 215–17
superior courts 211–17
Frederick II (Holy Roman Emperor)
221
free trade 113
Fulbeck, William 61

Gaius 182
Gatrell, V. 138
Gawdy 58
General Eyre
judicial system 4–5
jurisdiction 8–9
see also Eyre
Germany see Holy Roman Empire
Golding, John 259–61
Goulburn, Commissioner 135
Greaves, Charles 148
Grey, Earl 327–9
Grotius, Hugo 244
Guildford, Henry of 33

habeas corpus
1500–1800 259–76
archival survey 265
conceptual foundations 262–5
judicial decision-making 270–6
release rates 269–70
wrongs 265–8
Hale, Matthew 77, 264
Hales, Henry of 33, 34
Hallsy, Paul D. 259–76
Halsbury, Lord 110
Handler, Phil 138–56
Hanly, Conor 82
Heath, Robert 65
Heirbaut, Dirk 192–208
Hengham, Ralph de 30, 33, 34
Henry II (king of England) 3, 5, 7,
11, 35
Henry III (king of England) 10, 14,
15, 16
Herriard, Richard of 9, 14
Hickford, Mark 308
Hilton, Boyd 102, 112–13, 123, 133
Holdsworth, William 38
Holland and Zeeland
antenuptial agreements 247–50
appellate review 238–9
case law 244–55
contract 252–4
customary law 243–4
enforcement of judgments 244–7
judicial decision-making 239–42,
255–6
Holland and Zeeland (cont.)
judicial remuneration 237
personnel 235–7
private law 243–4
sale 254–5
succession 250–2
Supreme Court 234–56
unification 234–5
Holt, John (Chief Justice) 81–2, 88, 98, 265, 267, 270, 276
Holy Roman Empire
Aulic Council 229–31
imperial chamber court 221
Reichshofrat 229–31
Reichskammergericht 221
superior courts 221–32
territorial superior courts 231–2
Hoppen, K. Theodore 102
Hopton, Walter 31, 34
Houdain, Anselm of 198, 201
Huse 45
implied warranties 117–18
Income Tax, Special Commissioners 159–60
Inland Revenue
adjudication see tax adjudication
appeals 157–74
Board of Inland Revenue 160–1
see also Special Commissioners
Innocent IV (pope) 47
Insolvent Debtors Court 133–4
interrogatories, Chancery 74–5
Ireland
Excise Courts 162
itinerant justices 13
official records 15
Special Commissioners 159, 164, 165
James I (king of England) 65, 220
Jessel, George 110, 111, 132
John (king of England) 7, 16
Johnson, Paul 115
joinder, covenants 54–5
Jones 59
Joyce, R. B. 301
judges and judging
1176–1307 3–36
INDEX

Exchequer memoranda rolls 18
Eyre 7–8, 18
King’s Bench 8
judicial system
English conceptions 67–82
General Eyre 4–5
judicial questioning 19–21, 27
jury trials 67–82
Julian 182, 186
jurisdiction
Common Bench 8
early modern monarchies 209–33
Eyre 8–9, 17–18
General Eyre 8–9
King’s Bench 7
procedure 18–25
jury trials
criminal procedure 138, 145–56
fact-finding 67–8
factual picture 23–4
form of issue 22
judicial comment 77–8
judicial instruction 79–80
judicial system 67–82
jury challenge 42–3
jury influence 67–82
law of jury control 76–82
legal representation 138, 145–6, 151–2
medieval common law 69–72
new trial 80
procedure 22–3
rationale disclosure 81–2
redeliberation 81
self-informing juries 70, 76
verdicts 23, 24–5, 80
vicinage requirement 70
Justinian 180

Kantorowicz, Ernst 47
Kelly, Fitzroy 108
Kenyon, Lord 119, 131, 270
Kindersley, Richard 128
King, P. 139
King’s Bench
composition 14, 28
habeas corpus 259–76
judicial appointments 7, 17–18
judicial oaths 8
judiciary 7
plea rolls 16
king’s court at Westminster 5–6
Klerman, Daniel 70
Knight-Bruce, James 107
La Haie, John of 195
land
dower 27–8
seisin of land 3
Langbein, John H. 67–82
Langdale, Lord 107
Laski, Harold 38
law reform
bankruptcy 103
Chancery 103
criminal law debate 140–5
criminal procedure 145–51
nineteenth-century courts 103–4
law reports
Common Bench 16–17, 26–7
medieval Europe 192–208
not binding precedents 53–4
record compared 60–2
replevin 26–7
Leeuwen, Simon van 244
Le Més, Peter of 195
legal argument
analogy 45–6
judicial decision-making 27–8
record 56–7
legal formalism
counterintuitive results 48
legal realism 37–50
legal profession
early modern 218–19
France 212–15
nineteenth century 111
legal publication
nineteenth century 105
reports see law reports
legal realism, legal formalism 37–50
Leicester, Roger of 29
Ley, James 270
Liberal Tories 113–14
Lindley, Nathaniel 110
Linselles, Giles of 195, 201

© in this web service Cambridge University Press www.cambridge.org
litigation
subject matter 115–16
volumes 104–5
Littleton, Thomas 50
Lobban, Michael 102–37
Locke, John 220
Lois de Lille 193–6, 201–4, 204–6
Lonsdale, James 148
Lovetot, John de 34
Lowe, Robert 123, 127
Lubasz, Heinz 38
Lyndhurst, Lord (Lord Chancellor) 92, 99, 141, 143, 146, 152
McGowen, R. 140
McHugh, Paul 308
Mackinstosh 141, 142, 147
Macrobius 181
Maitland, Frederic William 38, 41, 50, 51, 70
Malins, Richard (Vice Chancellor) 109, 128, 129, 131, 132
Mallorie, Peter 29
Mansfield, William Murray (1st Earl) 77, 266, 267, 268, 270
marriage
1753 Act 83–4
antenuptial agreements 247–50
authorities 88
clandestine 83–101
Dalrymeple v. Dalrymeple 83–101
impact of case law 92
in facie ecclesiae 88, 89, 98
per verba de praesenti 84–5, 88, 92, 93, 94, 95, 96–8
Scotland 86–8
Martin 40–1, 149, 153
medieval law
court spokesmen 192–208
custom see customary law
jury trials 69–72
Merton, Robert of 15
Mettingham, John of 31, 32, 33, 34
Metzger, Ernest 177–91
Middleton, Richard of 15
Montagu, Henry (Chief Justice) 270
Montesquieu 239
moral economy 113, 114, 117
Mortimer 31
Muessig, Ulrike 209–33
mystical body/corpus mysticum 46
Nele 49
New Zealand
colonial law 335–7
golden thread of reasoning 308–10
judges and judging 306–39
modern revision 313–14
native title 306–39
Ngati Apa decision 310–12
old law 318–19
orthodoxy 337–9
Parata decision 331–9
serious legal mistake 312–13
Symonds decision 319–27
time/legal norms 314–17
waste land doctrines 327–9
nineteenth century
contract 116
court reform 103–4
criminal procedure 145–51
judges and judging 102–37
legal profession 111
legal publication 105
politics 102–37
 nisi prius 72, 80
Northampton great council (1176) 3–6
Page Wood, William (Vice Chancellor) 109, 128
Park 145
Parke, James (Baron Wensleydale) 108, 118, 121, 145, 146, 147, 148, 149, 154
Parker, Thomas 270
Pasquier Li Borgne 195, 201, 204, 205
Patishall, Simon of 9, 14
Pauw, Willem 236, 239, 241
Peel, Robert 113–14, 140, 147, 165
personnel
Bahamas 277–91
Chancery 74, 105, 106
<table>
<thead>
<tr>
<th>English courts</th>
<th>74, 105</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holland and Zeeland</td>
<td>235–7</td>
</tr>
<tr>
<td>Special Commissioners</td>
<td>161–3</td>
</tr>
<tr>
<td>Philip II (king of Spain)</td>
<td>234, 243</td>
</tr>
<tr>
<td>pipe rolls, financial information</td>
<td>4</td>
</tr>
<tr>
<td>plea rolls</td>
<td></td>
</tr>
<tr>
<td>Common Bench</td>
<td>16, 25–6</td>
</tr>
<tr>
<td>King’s Bench</td>
<td>16</td>
</tr>
<tr>
<td>plea roll enrolment</td>
<td>24–5</td>
</tr>
<tr>
<td>royal courts</td>
<td>6, 34–5</td>
</tr>
<tr>
<td>pleadings</td>
<td></td>
</tr>
<tr>
<td>procedure</td>
<td>19–22, 71</td>
</tr>
<tr>
<td>single issue</td>
<td>71</td>
</tr>
<tr>
<td>tentative</td>
<td>21</td>
</tr>
<tr>
<td>Plucknett</td>
<td>70</td>
</tr>
<tr>
<td>politics</td>
<td></td>
</tr>
<tr>
<td>background</td>
<td>112–16</td>
</tr>
<tr>
<td>body politic</td>
<td>39–40, 46–7</td>
</tr>
<tr>
<td>criminal law reform debate</td>
<td>140–5</td>
</tr>
<tr>
<td>investment and enterprise</td>
<td>123–32</td>
</tr>
<tr>
<td>judges and judging</td>
<td>106–12</td>
</tr>
<tr>
<td>Lord Chancellor</td>
<td>106</td>
</tr>
<tr>
<td>nineteenth-century English law</td>
<td>102–37</td>
</tr>
<tr>
<td>regulating enterprise</td>
<td>132–7</td>
</tr>
<tr>
<td>Pollock, Frederick (Chief Baron)</td>
<td>38, 108, 110, 118, 121, 122, 126</td>
</tr>
<tr>
<td>Popham, John</td>
<td>265, 266, 272</td>
</tr>
<tr>
<td>Powell, Thomas Reed</td>
<td>37</td>
</tr>
<tr>
<td>precedent</td>
<td></td>
</tr>
<tr>
<td>practice</td>
<td>51–66</td>
</tr>
<tr>
<td>see also record</td>
<td></td>
</tr>
<tr>
<td>Preston, Gilbert of</td>
<td>14</td>
</tr>
<tr>
<td>Priest, Susan</td>
<td>292–305</td>
</tr>
<tr>
<td>Probert, Rebecca</td>
<td>83–101</td>
</tr>
<tr>
<td>procedure</td>
<td></td>
</tr>
<tr>
<td>Chancery</td>
<td>72–6</td>
</tr>
<tr>
<td>civil pleas</td>
<td>9–12</td>
</tr>
<tr>
<td>division of business</td>
<td>30–2</td>
</tr>
<tr>
<td>form of issue</td>
<td>22</td>
</tr>
<tr>
<td>judicial questioning</td>
<td>19–21, 27</td>
</tr>
<tr>
<td>jurisdiction</td>
<td>18–25</td>
</tr>
<tr>
<td>jury trials</td>
<td>22–3</td>
</tr>
<tr>
<td>pleadings</td>
<td>19–22, 71</td>
</tr>
<tr>
<td>return days</td>
<td>19</td>
</tr>
<tr>
<td>Roman canon law</td>
<td>68–9</td>
</tr>
<tr>
<td>prohibition, remedies</td>
<td>177–91</td>
</tr>
<tr>
<td>proof, champions</td>
<td>11</td>
</tr>
<tr>
<td>Pygot, Serjeant</td>
<td>47, 48</td>
</tr>
<tr>
<td>realism, legal see legal realism</td>
<td></td>
</tr>
<tr>
<td>record</td>
<td></td>
</tr>
<tr>
<td>accuracy</td>
<td>57–8</td>
</tr>
<tr>
<td>binding nature</td>
<td>53–60</td>
</tr>
<tr>
<td>decline</td>
<td>60–5</td>
</tr>
<tr>
<td>law reports compared</td>
<td>60–2</td>
</tr>
<tr>
<td>legal argument</td>
<td>56–7</td>
</tr>
<tr>
<td>recordor</td>
<td>58</td>
</tr>
<tr>
<td>verification</td>
<td>57–8</td>
</tr>
<tr>
<td>records</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>15</td>
</tr>
<tr>
<td>rolls see rolls</td>
<td></td>
</tr>
<tr>
<td>see also law reports</td>
<td></td>
</tr>
<tr>
<td>remedies, prohibition</td>
<td>177–91</td>
</tr>
<tr>
<td>Reninge, Walter of</td>
<td>195</td>
</tr>
<tr>
<td>replevin</td>
<td></td>
</tr>
<tr>
<td>Common Bench decisions</td>
<td>25–6</td>
</tr>
<tr>
<td>law reports</td>
<td>26–7</td>
</tr>
<tr>
<td>Rex roll</td>
<td>15–16, 34–5</td>
</tr>
<tr>
<td>Reynolds, Susan</td>
<td>192</td>
</tr>
<tr>
<td>Richard I (king of England)</td>
<td>13</td>
</tr>
<tr>
<td>Richmond, Second Duke</td>
<td>245</td>
</tr>
<tr>
<td>Ripon, Anger of</td>
<td>33</td>
</tr>
<tr>
<td>Rochester, Solomon of</td>
<td>35</td>
</tr>
<tr>
<td>Rolf, Thomas (Serjeant)</td>
<td>40, 49</td>
</tr>
<tr>
<td>rolls</td>
<td></td>
</tr>
<tr>
<td>close rolls</td>
<td>7, 18</td>
</tr>
<tr>
<td>Common Bench</td>
<td>15–16, 25–6, 34–5</td>
</tr>
<tr>
<td>Exchequer memoranda rolls</td>
<td>18</td>
</tr>
<tr>
<td>Eyre</td>
<td>16</td>
</tr>
<tr>
<td>patent and close rolls</td>
<td>7</td>
</tr>
<tr>
<td>pipe rolls</td>
<td>4</td>
</tr>
<tr>
<td>pleas see plea rolls</td>
<td></td>
</tr>
<tr>
<td>Rex roll</td>
<td>15–16, 34–5</td>
</tr>
<tr>
<td>Roman law</td>
<td></td>
</tr>
<tr>
<td>basis for liability</td>
<td>186</td>
</tr>
<tr>
<td>causes for dividing the day</td>
<td>185–6, 187–91</td>
</tr>
<tr>
<td>civil trials</td>
<td>177–91</td>
</tr>
<tr>
<td>contract</td>
<td>252–4</td>
</tr>
<tr>
<td>enforcing formula</td>
<td>180–2</td>
</tr>
<tr>
<td>false tutors</td>
<td>187–91</td>
</tr>
<tr>
<td>formula</td>
<td>179</td>
</tr>
<tr>
<td>Holland see Holland and Zeeland</td>
<td></td>
</tr>
<tr>
<td>liability in giving judgment</td>
<td>182–7</td>
</tr>
</tbody>
</table>
INDEX

348

Roman law (cont.)
remedy of prohibition 177–91
succession 250–2
Roman canon law
Chancery 72
procedure 68–9
Romilly, John 109, 128, 129
Romilly, Samuel 138, 140, 141, 143, 147
Rothbury, Gilbert of 23, 33
Rousseau, Jean Jacques 220
royal courts
collegiality 14
Common Bench 6–7
composition 13–14, 28–32
Exchequer 5–6
General Eyre 4–5
King’s Bench 7
king’s court at Westminster 5–6
outside justices 32–4
plea rolls 6, 34–5
see also courts

Saham, William of 31, 32, 33
Sainghin, Peter of 195, 204, 205
sale of goods, implied warranties 117–18
Statute of Marlborough (1267) 41
Scarlett, James 108
Scotland, marriage 86–8
Scott, William 83–101
Scott, Zachary 57
sealed instruments 71
Searle, G. R. 102
Seaton, Roger of 35
Seipp, David J. 37–50
seisin of land, succession 3
Selborne, Lord 107
Siddington 31, 33
Simpson, A. W. B. 79
Sirks, A. J. B. 234–56
Smith, J. W. 109
Special Commissioners
Board of Inland Revenue 160–1
Income Tax 159–60
Ireland 159, 164, 165
judicial decision-making 161–3
personnel 161–3
Spigurnel 33
Staines, Richard of 15

stare decisis 52, 219
Starkey, Humphry (Serjeant) 39, 41,
46–7, 48
Stebbing, Chantal 157–74
Stephen, Fitzjames 153–4, 156
Stone, John 55
Stuart, John (Vice Chancellor) 109,
128, 129
succession, seisin of land 3
Sugden, Edward 150
Swinburne 96
Symon, Josiah Henry 292–305
Tate, John William 308
tax adjudication
Commissioners see Special
Commissioners
disputes 158–61
Inland Revenue appeals 157–74
judicial decision-making 161–3
judicial functions perception 168–73
Justices of the Peace 157, 159, 165, 170
official justification 163–8
personnel 161–3
problems 161–3
Tenterden, Lord (Chief Justice) 106,
107, 117, 120, 121, 141, 147
Thayer, J. B. 70
Thompson, E. P. 116
Thornton 33
Tichborne, Roger 67
Townshend, Serjeant 48
Treaty of Waitangi 306–39
Tremayle, Serjeant 48
trials
juries see jury trials
Roman civil trials 177–91
Turner, George 128, 130, 131
Tyrel, Hugh 199
Vavasour, Sergeant 48
verdicts
Common Bench 26
jury trials 23, 24–5, 80
new trial 80
plea roll enrolment 24–5
redeliberation 81
Voet, J. 244
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDEX</strong></td>
<td>349</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Page Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walmesley</td>
<td>62–3, 64</td>
</tr>
<tr>
<td>Warwick, Nicholas</td>
<td>33</td>
</tr>
<tr>
<td>Weyland, Thomas</td>
<td>18, 29, 31, 32, 33</td>
</tr>
<tr>
<td>Wheatfield, Robert</td>
<td>14</td>
</tr>
<tr>
<td>Wicres, Christian</td>
<td>201</td>
</tr>
<tr>
<td>Wiener, Martin J.</td>
<td>277–91</td>
</tr>
<tr>
<td>Wigram, James (Vice Chancellor)</td>
<td>127</td>
</tr>
<tr>
<td>Willes, James Shaw</td>
<td>109, 120</td>
</tr>
<tr>
<td>Williams, David V.</td>
<td>306–39</td>
</tr>
<tr>
<td>Williams, Ian</td>
<td>51–66</td>
</tr>
<tr>
<td>Williams, John M.</td>
<td>107, 294</td>
</tr>
<tr>
<td>Wimbourne</td>
<td>33</td>
</tr>
<tr>
<td>Wode, Serjeant</td>
<td>49</td>
</tr>
<tr>
<td>Wyatt, Thomas</td>
<td>265</td>
</tr>
<tr>
<td>Wynford, Lord</td>
<td>150</td>
</tr>
<tr>
<td>Year Books</td>
<td>37–50</td>
</tr>
<tr>
<td>legal discourse</td>
<td>37–50</td>
</tr>
<tr>
<td>theoretical orientations</td>
<td>39</td>
</tr>
<tr>
<td>Yelverton</td>
<td>57</td>
</tr>
<tr>
<td>Ypres, Philip</td>
<td>200</td>
</tr>
</tbody>
</table>