

## Index

- abbots, 54  
 abduction, 178–9  
 Abelard, his *Sic et Non*, 85  
 abuse, 137; words of, 11, 134, 139–41, 143–5, 148–9, 155–7; ‘words of reproach’, 147–8  
 account books, 123  
 accusations, 56–7, 148, 151, 155  
*adstantes*, 242  
 adultery, 76, 143, 147, 152–3, 155–6, 158  
 adversarial process, 84  
 advocate(s), 5, 7, 21, 38, 39–43, 51, 53, 60, 84, 248; advocacy, 42  
 Aeschines, 29  
 Aeschylus, 35  
 affidavit, 221, 235  
 Africa *see* British Africa, Central Africa, Kenya, Nigeria, South Africa, Rhodesia, Sudan, *and* West Africa; Africans, 178–95 *passim*, 196–239 *passim*  
 African, cosmologies, 183; households, 204; land petitioners, 203; law (restorative) of, 13, 180–3, 186–90, 194, 249; songs (*nyimbo*) of, 203, 210, 222–4, 231; written civil code for, 179–80;  
 ‘affront’, 137  
*aikēia* (non-aggravated assault), 26  
 alehouse regulation, 158  
 Alessandri, Niccolò, of Perugia, treatise of, 126  
 Ambrosini, Piero, da Iesi, Florentine jurist, 121, 126–7  
 amerce, 102  
 America, colonial, 75  
 Andocides, 30–1  
 Angelo, jurist, 126  
 Anglo-Saxon, legal vocabulary of, 110  
 anticlericalism, 12, 161, 172, 175–6  
 Antiphon, locographer, 24, 35  
 antiquity, 67; late antiquity, 87  
 Antioigne (Aquitaine), 60  
*apagoge* (summary arrest), 23, 33  
 apology, 145  
*aporrheta* (‘things which may not be said’), 30  
 appeals, process of, 235  
 Aquilius Gallus, Roman jurist, 39  
 Aquitaine, 53–6, 60, duke of, 55  
 arbitration, 10, 115, 118, 120, 128–31, 157, 181–2, 192, 194, 242; arbiters, types of, 184–5, 188, 195, 244  
 aristocracy, 91, 109; aristocracies, control of, 55; aristocratic culture, 136  
 Aristophanes, 25, the *Wasps* of, 34  
 Aristotle, 31  
 Arruntius, Lucius, orator, 19  
 Arsendi, Ranieri, da Forlì, treatise of, 126  
 arson, 185; arsonist, 186  
 ‘articles of exception’, 151  
 Arundel, fee of, 97  
 Ashby, Richard of, serjeant, 93, 97, 105  
 Asians, 199, 202  
 assault, physical, 137, 140–2, 187, indictment for, 143  
 assertiveness (male), 136  
 assize of darrein presentment, 108  
 assize of novel disseisin, 94  
 Athens, 4, 8, 17–36 *passim*, 242; Agora of, 25; Areiopagos of, 23, 28; Assembly of, 23–4; bailiffs of, 25; Boulè (Council of Five Hundred) of, 23; citizens of, 20–1, 33–4; civic festivals of, 23; courtroom buildings of, 25; *dēmos* (common people) of, 5, 24; the Eleven of, 33; empire of, 23, 35; foreigners/strangers in, 4, 34–5; law of, 4, 6, 28; ‘liturgies’ of, 23–4; metics of, 4, 20; mortality patterns in, 34; Nine Archons of, 28; panel of six thousand of, 21;

- prosecutors of, 23; public finance of, 23; public officials of, 34–5; public works in, 5; religious drama festivals of, 24–5; rich litigants of, 23; slaves of, 20, 26, 33; theatre of, 5, 24–5, 48; treasury of, 23; warships of, 23; *see also* courts; litigants
- atimia* (deprivation of citizen rights), 30–1
- Attic orators, 21, 24, 31–2, 34–5
- attorney(s), 9, 93–5, 101–4, 107–9
- Aulus Gellius, 6, 43–5, his *Attic Nights*, 6, 43–4
- authority, household, 208; lawful, 197; paternal, 177; patriarchal, 200–1; secular, 162
- Auessac (Brittany), 59
- avowing, 9, 104, 108
- Ayrault, Pierre, 85
- Azo, medieval jurist, 122
- Bacun, John, keeper of rolls and writs, 101
- bailiff, 144; bailiffs of earl of Cornwall, 106
- Bains (Brittany), 52
- Balducci, Filippo, Florentine jurist, 121, 126–7
- ballot, secret, 22
- Baring, Sir Evelyn, Kenyan governor, 196–7, 202, 209–11, 213, 216, 220, 224, 237
- barristers, 21, 216, 234
- Barzi, Benedetto, Florentine jurist and advocate, 10, 121, 124–30
- bastardy, 154; bastard-bearing, 148–9, 158
- battle, trial by, 106
- bawdy house, 156
- Bayeux, subprefect of, 166
- Beckingham, Ellis of, royal justice, 99, 100
- benefice, ecclesiastical, 116
- Benino, Pietro di Goro del, arbitrator, 128
- bequest(s), 119, 120; charitable, 113–14, 130, 132
- Bereford, William of, royal justice, 97, 99, 102
- Bers, V., 25
- Berthet, Antoine, murder trial of, 166
- Bible, 109, 155; Book of Genesis, 70; Gospels, 52; New Testament, 76
- Bing, Geoffrey, 221
- Birmingham, University of, 3
- bishop(s), 50, 54, 56, 102, 171
- ‘blood money’, *see maropa*
- Blundell, Michael, 210
- Bluth case, 175
- Boccacci, Boccaccio di Niccolò, *procurator*, 128
- Boiotos, 29
- Bon Sauveur, insane asylum of (Caen), 12, 161, 169–74
- Boniface VIII, pope, 89
- boundary, disputes, 143; walking of the boundaries, 8, 54
- Bourdieu, Pierre, 135
- bourgeoisie, 176
- ‘Bracton’, treatise of, 65, 110
- brawling, in church or churchyard, 141
- breach of the peace, 140
- bribery, 22
- bridewealth, *see lobola*
- Bridewell, 154
- Britain, government of, 14, 180, *see also* House of Commons; tax authorities of, 18; imperial parliament of, 199; Colonial Office, 196, 202, 209–12, 214, East Africa Desk of, 212
- British Africa, 199; British South Africa Company, 13, 178, 180–1, 184, 186, Legal Department of, 179, 185, Native Department of, 179–80, 182; tropical Africa, 196
- Brittany, eastern, 51, 52, 56, 59; Breton corpus, 57
- Brompton, Common Bench justice, 101, 106
- Brooks, Peter, 162, 168
- Broughton, Anne, 154
- Browne, Joan, servant girl, 134, 144–6
- Brucker, Gene, 115
- Bullock, Charles, Native Commissioner, 186
- Buonguglielmi, Salustio, Florentine jurist, 121, 126
- Burgundy, 54; Mâcon area of, 57
- Burke, Peter, 136
- Burton on Trent, 156
- business dealings, 144
- Butley, prior/priory of, 108
- Byzantium, 46; Byzantine Empire, 56
- Caesar, Julius, 42
- Calas, Jean, 165
- Canfield, Little (Essex), 108
- canon law, 64–5, 67, 76, 78, 86, 109, 114, 146, 161–2, 164–5, 174–5, 243
- Canterbury, 51, archbishop of, 51, 224
- capitalism, rural, 206; capitalist economy, 181, 190, 194; penny capitalism, 201
- Carawan, E. M., 28
- cardinals, 70
- Carducci, Niccolò di Giovanni, arbitrator, 128
- Carey, C., 27fn
- Carrillo, Santiago, 246
- Carter, Tho[m]as, 150
- Castille, 53

252 *Index*

- cause(s) célèbre(s)*, 163, 245  
 Center for Hellenic Studies, Washington DC, 17  
 Central Africa, 202  
 Certaldo, Paolo da, moralist, 114, 116  
 Chaino, abbot of monastery of St Denis, 51  
 champion (in trial by battle), 106  
 Chapman, Emma, and Mathewe her son, 149  
 charivaris, 136  
 Charles I, king, 159  
 Charles the Bald, king, 59  
 charters, Anglo-Saxon, 50; from Burgundy and Aquitaine, 54; Spanish, 54  
 Chasseneuil, in Poitou, 51–2  
 chastity (female), 136  
 chiefs (African, unnamed), 15, 180–1, 184, 186–7, 201, 206, 207–8, 211, 242  
 Christchurch, 51  
 Christendom, 64  
 Christian converts, 175, 201  
 Chura, Kenya, 223  
 Church [Catholic], 64, 69, 76, 79, 81, 85, 142, 147, 161–2, 165, 172, 175; priest, 170  
 Church of Scotland, moderator of, 224  
 Churchill, Winston, 74, 196–200, 203, 219–20, 231, 239  
 Cicero, Roman orator, 5, 6, 22, 38–40, 42  
 citizen(s), Athenian, 4, 5; Roman, 43, list (*album*) of, 43–4  
 Citrine, Lord, Rules of, 243  
 civil law, 13, 40–2, 65, 86, 91, 96, 119, 121, 124, 165, 182–3, 185, 187, 249  
 civil liberties, of the citizen, 173  
 civil society 241–3, 246  
 claustration, 162–3, 168, 171, 174  
 clerics/clergymen, 49, 69, 72, 130, 140, 165  
 clerks, 96, 101; chief clerk to court of  
   Common Bench, 99, 101; keeper of  
   rolls and writs, 99, 101; senior clerks,  
   101; clerk(s), in Southern Rhodesia,  
   181, 183, 187, 190, 193  
*Clofesho*, England, 50  
*Cóic Conara Fugill*, 53  
 Collins, Agatha, 149  
 colonialism, 198, 212, 238, 239; colonial  
   rule, 202  
 Comaroff, John, 243, 247  
 commentaries, legal, 70, 129  
*commentarii* (Roman legal records), 43, 45  
 ‘common knowledge’, 227  
 common law, 11, 14, 18–19, 63, 74, 112,  
   144, 148, 150–1, 159, 215, English, 86,  
   242  
 common report, 29  
 communication, non-verbal forms of, 105  
 communism, 214  
 community, study of, 137–8  
 compensation, 13, 182–7, 194  
 Concordat, 165  
 confession(s), 78–9, 82, 158  
 Conley, John, 240  
 constable, 156  
 contract(s), 187–90, 194; breach of, 13  
 conveyancing documents, 49  
 conviction, 162  
 Corbin, Alain, 176  
 Cormery, monastery of, 51–2, 60  
 corruption, 62  
 counsel, professional, 10  
 count(s), 50, 56, 242  
 courts:  
   appeal, 28; appeal (British), 234; appeal  
   (eastern Africa), 220; Athenian, 20–35  
   *passim*; borough, 142–3; British, 25;  
   Bridewell (London), 154; centumviral,  
   19, 41; chiefly, 195; church, 11,  
   140–55, 157–60; city, 142; City of  
   London, 150, 152; civil, 161, 179, 182;  
   colonial, 200; common-law, 147;  
   criminal, 41, 72, 179, 182; *curia* (in  
   Rome), 248; dikastic, 21–2, 28;  
   diocesan, 142; early medieval, 48–61  
   *passim*; English Common Bench, 8, 9,  
   91–112 *passim*, 141–3, 150, 160;  
   English shire/county, 57, 91, 106;  
   ephetic, 28; Exchequer, 91;  
   eyre/general eyre, 98–101; Cornwall  
   eyre, 106; Staffordshire eyre, 94; high,  
   197; High, of Chivalry, 140; homicide,  
   28; hundred, 91; jury, 41; Kenyan, 219;  
   King’s Bench, 100, 108, 142, 143,  
   149–50, 160; lay, 69; local, 8, 56–9, 61;  
   local manorial, 91, 142–3; local or  
   extra-local (modern Mexico), 248;  
   magistrate’s, 181, 216; Mayor’s  
   (London), 149, 157; medieval, 64;  
   Native Commissioner’s, 182; non-  
   professional, 4; provincial, 45; Roman,  
   27; royal, 74, 91, 96, 98, 100, 102, 110,  
   142, 146–8; rulers’, 7, 8, 50–9 *passim*;  
   Salisbury consistory, 134; secular, 11,  
   140–3, 145–6, 148–9, 152, 157–9, 164,  
   166; Sheriff’s (London), 149, 157; Star  
   Chamber, 141; supreme, 205, 219–20;  
   temporal, 150; USA law, 25, 240;  
   wardmote, 154; York diocesan, 156  
   of Aldermen, 142; of Athenian subject  
   allies, 35; of Salomon (in eastern  
   Brittany), 52

- bar of, 101, 107, 109; 'contempt' of, 8, 14, 52–4, 219, 235; Inns of (London), 216; journeys to, 101; location of, 55–6; noise in, 107; onlookers in, 34; president of, 50, 54–7; procedure in, 7, 8, 50–4 *passim*, 56, 61, 158; records of, 51–2, 54–6, 194
- courtroom, 9, 23, 25, 240–3, 249; drama of, 5, 8–10, 15, 24–6, 48, 54, 111; humour in, 10, 111; narratives in, 12, 16, 52, 161–77 *passim*, 240, 243, 248–9
- Coutances (France), 170
- credit(s), 114, 147, *monte credits*, 116–18, 120–1, 129
- creditors, 113
- Cremona (Po valley), 50
- crime(s), 63, 72, 77, 82, 117, 143, 147–8, 152, 166, 182, 185–7, of passion, 162; accusations of, 148, 151, *see also* abduction, arson, assault, fratricide, homicide, murder, parricide, rape *and* theft
- criminal(s), 183, 185; criminal case, 197; criminal charge, 84; criminal law, 75, 83, 110, 158, 164, 180, 182–3, 185, 187; criminal procedure, 75, 78, ecclesiastical equivalent of, 141; criminal or quasi-criminal prosecution, 141, 147, 150, 160, 194; criminal recognisance, 142–3
- Crowshawe, John, 154
- cross-examination, 85
- Crosse, Joan, 141
- cucking-stool, 141
- cuckoldry, 152, 194
- culture, codes of, 162
- curse, 230
- custom, 48–9, 142, 189, 193; customs, 136; *coutumiers*, 65
- customary law, 15, 64–5, 112, 165, 180, 201
- Dabhoiwala, Faramerz, 151, 159
- Daily Telegraph*, 232
- damage, 148, 'special', 149
- damages, 145, 188
- Datini, Francesco, merchant, 120; illegitimate daughter of, 120
- Davies, chief, 216
- Davis, Natalie, 136, 162, 248
- dean, rural, 108
- death penalty, 35
- debauchery, 153
- debt(s), 6, 44, 102, 104, 114, 119–20, 144
- decretals, 70; of Innocent III, 78; of Boniface VIII, 89; of Gregory IX, 74, 89; decretists, 68
- defamation, 29, 30, 137, 142, 150, 158–9; work by young scholars on, 137 fn 9
- Demosthenes, Attic orator, 21, 23, 29
- Dershowitz, Alan, 245, 248
- Devonshire, Duke of, colonial secretary, 203–4; Devonshire declaration, 224
- Diderot, his *La religieuse*, 169
- dikastai*, 4, 22–6, 28–9, 34
- dikê* (private prosecution), 23, 33
- 'dishonour', expressions of, 139
- Desiderius, king, 60
- disputation, 88
- distraint, 105
- district commissioners, (unnamed, Kenya), 15, 197, 199, 201, 210, 224, 227, 235, 239
- doctors (medical), 170–1
- doctors of law, 88
- Dover, Kentish monastery of, 51
- dower, 94
- dowry, 114
- due process, 6, 7, 14, 63, 68, 70–3, 81, 83, 196–8, 211–12, 220–1, 231, 239, 245
- duel, 76, 140
- duke, 50, 56
- Dunton, John, moralist publisher, 151
- Eadgifu, 55
- East, Simon, 93–4
- East Africa Standard*, 219
- Ebles, Count of Aquitaine, 56
- Eccles by Happisburgh (Norfolk village), 91
- Edgar, king, 55
- Edward I, king, 98, 100
- Edward II, king, 99
- Edward the Elder, king, 55
- Edwy, king, 55
- elders (African), 15, 206, 209, 231, 239; eldership, 239
- Elizabeth I, queen, 142, 159
- elopement, 179
- emergency, state of, 202, 209, 211, 223, 232–4, 236
- emperor, Holy Roman, 65
- Empire, Byzantine, *see* Byzantium
- Empire, Roman, *see* Roman Empire
- Empuries (Catalonia), 50, 52
- England, 6, 11, 50, 52–3, 56, 65, 90–112 *passim*, 134–60 *passim*, 242, 244–5
- English language, 108–11, 222, 228
- enslavement, 35
- enticement, 27
- ephêgêsis* (denunciation), 23
- equality before the law, 164
- Eratosthenes, 27
- Ermenoald, abbot, 51

254 *Index*

- estate, rural, 113; estate surveys, 49, 51–2, 60  
 Estey, F. N., 57  
 Euaion, 29  
 Euphiletos, orator, 27  
 Europe, continental, 63; Carolingian, 50; western, 7, 50, 67, 242, 246; southern, 55; European society, 136; European nation-state, 66  
 Euxitheos (Mytilenean), 35  
 evidence, 8, 53, 57, 59, 82, 97, 163, 227; formal, 45; hearsay, 143; written, 8, 51–3, 56, 60, 163  
 examination, inadmissible, *see* inadmissible examination  
 execution, 54  
 Exeter, University College of, 235  
 family, 136, 177, 184, 186–7, 191–2; family disputes, 113–33 *passim*, 145  
 famine, 204  
 Farmer, Wa[il]ter, 141  
 Farr, James, study of Dijon artisans by, 136  
 Faucon, medical doctor, 171  
 Favorinus, philosopher, 6, 44–5  
 fees, 146  
 felony, 158  
 feminist theory, 137  
 feud, 145, 242; ‘blood feud’, 187  
 Fielding, his character Jonathan Wilde, 135  
 Fiesso (Italy), 8, 60  
 Fiji, 218  
 Filippo, maestro, sons of, 116  
 final concord, 109  
 fine(s), 13, 23, 51, 53, 182, 185–7  
 fishing nets, 105–6  
 Fleming, Robin, 59  
 Fletcher, Anthony, 138  
 Florence, early Renaissance, 10, 11, 113–33 *passim*, 244; books of the *monte* of, 120; *catasto* (1427) of, 119; *catasto* expenses of, 129; *catasto* officials of, 120, 131; *catasto* statements of, 123, 130; *estimo* (1403) of, 115; guild of jurists of, 121; ‘private wealth’ in, 123; public debt of, 116; Viviani family home in, 118–19  
 Folkestone, Kentish monastery of, 51  
 Formby, George, his ‘Bless ‘em all’, 231  
*formula*, 41, formularies, 54  
 fornication, 143, 147–8, 153, 155, 158  
 Foucault, Michel, 176  
 Fourth Lateran Council (1215), 78, 81  
 Fox, Adam, 141, 152  
 Fraher, Richard, 78, 82  
 France, 65, 85, 90, 161–77 *passim*; Ministry of Religious Affairs in, 162, 166; French law, 161–5, 173; French literature, 161–2, 166–9, 171–4, 176, 248; French religious orders, 164–5, 167, 175–6, regulation of, 174–5, monks of, 172, nuns of, 170, 172–4, religious ritual, 165  
 Francia, 53–4, 56  
 fratricide, 117  
 free men, 4, 8, 20, 58, 72  
 free will, 68  
 Freising, bishop of, 58  
 French language, 9, 89, 107–11; Anglo-Norman, 107  
 Fressingfield, John of, clerk, 101  
 Frier, B. W., 22  
 Froxfield (Wiltshire), man of, 153  
 fugitive, 79  
 ‘gage’ (or surety), 106  
 Gallicanism, 167, 175  
 gallows, 77  
*Gazette des Tribunaux*, 166  
 gender, 6, 72, 135–7; gender hierarchies, 249; gender relations, 11, 135–7, 187  
 Genoa, college of jurists of, 10, 129, 131, 244  
 gentry, 9, 91, 109, 145; gentlemen, 140  
 Germany, 214  
 gestures, 137, 140  
 Gherardi, Bernardo di Bartolomeo, arbitrator, 128  
 gifts, 114  
 Glanvill, Ranulph de, 108  
 glosses, 70, 29; *Glossa Ordinaria*, 74; *see also* jurists  
 Goda, 55  
 Godesfeld, Robert son of Alan of, of Sutton, and Margaret, his wife, 109  
 Goldthwaite, Richard, 132  
 Gomez, Sancho and Nuno, 53  
 Gordon, Robert, 7  
 gossip, 143, 242, 244  
 Gouges, Olympe de, her *Le couvent, ou les vœux forcés*, 168 and *Declaration of the Rights of Woman and Citizen*, 168–9  
 Gough, Alice, 156, 157  
 Gough, Richard, his *History of Myddle*, 151  
 Gowing, Laura, 141, 143, 152–5  
 grand assize, 108  
*graphé* (public prosecution), 23, 26, 32–3  
 Gratian, *Decretum* of, 68, 74  
 Gravesend, Richard of, bishop of London, 108–9  
 Greece, 242

- Greek, language, 32–3, 36; law (ancient), 62, 67; literature, 24–5, 32, 34–5; poets, 36  
 Gregory IX, pope, 88–9  
 Griffiths, James, Labour secretary of state, 209  
 Guer (Brittany), 59  
 Guildford, Henry of, clerk, 101  
 Gunther, John, American journalist, 236  
 Gwynllŵg, south-east Wales, 52
- Hales, Henry of, chief clerk of chief justice of Common Bench, 101, senior clerk, 104  
 Halstead, Theobald of, 109  
 Haltunnen, Karen, 176  
 Harpocraton, his *Lexicon to the Ten Orators*, 36  
 Harris, Ruth, 162, 248  
 Hawkins, John, 150  
 Hay, John son of William de la, 94  
 Hearne, Sir Hector, chief justice, 217–18  
 hegemony, 113, 198, 200–1, 203, 215–16, 219, 221, 225, 232–9 *passim*, 244–6, 249  
 heir(s), 124; agnatic, 120; *heres extraneus*, 122, 127–8; *heredes universales*, 116  
 Helmholz, Richard, 147  
 Helmstan, 51  
 Henderson, Ian, of the Kenyan police special bureau, 227, 230, 235  
 Hengham, Ralph of, chief justice, 97, 99, 100, 104–5  
 Henry II, king, 110  
 Henry III, king, 110  
 Henry VII, king, 142  
 heresy, 67, 74, 77–8, 147; heretics, 67  
 Hindus, 202  
 Hitler, 214  
 Hogg, Quentin, MP, 219  
 Hola, prison camp, Kenya, 238  
 homage, 105  
 homicide, 21, 24, 28, 35  
 Homily on Whoredom, 155–6  
 ‘honest’, ‘honesty’, as terms of moral status and/or social position, 140; interpretations of, 151, 153  
 honour, 12, 147, 151, 160, 162; criteria of, 139–40; definitions of, 135–6, 138; usage of term, 138  
 Horsey (Norfolk village), 91  
 Hostiensis, canonist, 66, 79  
 House of Commons, 216, 218–20; MPs, 14, 218, Labour, 219  
 Howard, justice, 104  
 humanism, 68; humanist revival, 46  
 Hungerford, Anthony, 149  
 Hyperides, orator, 35  
 Iceland, 50, 243  
 ideology, 1, 113–14, 199, 246  
 imagery, social, 175–7  
 immorality, 143; sexual, 148–9, 152, 155–6  
 imparling, 104  
 impartiality, 10  
 imperialism, 15  
 inadmissible examination, 202  
 India, 199, 203, 236–7  
 indictment, 76  
 infamy, 147  
 inheritance, cases of, 10, 11, 41, 55, 91–3, 97, 113–33 *passim*; female, 114; impartible, 113; partible, 91, 97, 113; partible agnatic succession, 114–15, 132; primogeniture, 91, 97, 122; ‘widow inheritance’, 192  
*injuria* (Roman law of), 147  
 Innocent III, pope, 78, 80  
 Innocenti, foundling hospital of (Florence), 10, 115, 120–1, 123–4, 128–30, 132; chancellor of, 115; chief notary of, 115; *operai* of, 120, 128, 130–1; rector of, 128; treasurer of, 120  
 inquest, 56; Domesday inquests, 59  
 inquisition, 79–81; inquisitor’s handbook, 76; inquisitorial process, 76, 78; papal inquisition, 81  
 interpreters, 28, 110  
 Interregnum, 149  
 intestacy, 114, 119–20  
 intimidation, 22  
 Ireland, 7, 50–1, 55, 61, 244  
 Isaeus, orator, 27  
 Islam, 175, 243  
 Isocrates, pamphlets of, 27  
 Italy, 52–5, 64, 87, 90; Italian cities, 64, 66, Italian city states, 82  
*ius commune*, 6, 7, 62–90 *passim*; *regulae* of, 86–7  
*ius naturale*, 68
- jails/prison, 79, 239  
 Jeffries, Judge, 81  
 Jesuits, 172  
 John, king, 97  
 judge(s), 5, 6, 9, 10, 21, 26, 28, 37, 39, 41, 43–5, 52, 54, 57–8, 69, 73, 80–1, 85–6, 89, 146, 148–9, 155, 163–4, 199, 201, 205, 215–19, 221, 226–7, 230, 235, 237, 244–5; panel(s) of, 56, 59; personal liability of, 44–5; ‘law worthiness’ of, 56; colonial judiciary, 200  
 judgement or settlement, 8, 10, 13, 52, 53, 55–7, 69, 79, 88, 94, 96–7, 100, 102,

256 *Index*

- judgement or settlement, (*cont.*)  
 105–6, 112, 190–3, 246, 249; of blood,  
 78, of one's peers, 72; out-of-court, 146
- jurisprudence, 84, 180–1, 184, 194–5
- jurists, 4–6, 10, 26–8, 32, 38–41 *passim*,  
 45–6, 62, 65–6, 69, 81–2, 84–6, 114,  
 121–2, 124–31, 243–4; commentary by,  
 10; glosses and treatises of, 84; writings  
 of, 39
- jury/jurors, 22, 25, 28, 41, 43, 59, 73, 85,  
 101, 103, 145, 158, 164, 215, 242, 245;  
 jury service, 21; jury verdict, 79, 97;  
 grand jury, 76
- justice(s), royal, 94–105, 107, 109–12;  
 collective action of, 100; consultation  
 of colleagues by, 97; group(s) of, 97–8;  
 instruction by, 97; interventions by, 96,  
 99
- justices of the peace, 149, 153–5, 184–5
- Justinian, emperor, 87, 243; his *Corpus Iuris  
 Civilis*, 5, 39, 62–3, 66, 87, 129; his  
*Digest*, 6, 46, 87–8; his *Institutes*, 46
- Kaggia, Bildad, 208, 229
- Kapenguria, Kenya, 14, 15, 196–7, 205, 209,  
 216–22, 226, 228, 232–7; the  
 'Kapenguria six', 208, 217, 222–3,  
 230–1, 236
- Kapila, Achhroo, 216, 235
- Kelsey, Mistress, 154
- Kent, William, 123, 131–2
- Kenya, colony (former East Africa  
 Protectorate), 14, 15, 196–239 *passim*,  
 246; African farmers of, 15; African  
 reserves in, 200; district councils of,  
 209; government of, 196; governor's  
 emergency council of, 234; highland  
 crisis of, 207; land question of, 204; law  
 officers of, 210; legislature of, 209;  
 liberal whites of, 212; Northern  
 province of, 220; police of, 199, 205,  
 211–13, 214, 218, 228, 235; police  
 commissioner of, 212, 236; police  
 training school in, 216, 235; post-war  
 crisis of, 210; union leaders of, 208;  
 white farms/farmers of, 197, 202–3,  
 206, 212; white highlands of, 202, 204;  
 white opinion in, 214, 232; white  
 settlers of, 15, 201–4, 207, 209, 213–14,  
 216–18; white settler leaders of, 210;
- Kenya African Union (KAU), 208–11, 213,  
 215–16, 218, 219, 223–6, 229, 231, 236,  
 238
- Kenyatta, Jomo, 14, 15, 196–239 *passim*,  
 244, 246; his *Facing Mount Kenya*, 206,  
 239
- kharis* (gratitude), 23
- Kiambu, Kikuyu township, 230
- Kikuyu, 15, 204–36 *passim*; Christians, 204,  
 210; independent schools, 211;  
 language, 222, 224–5, 229;  
 militants/militancy, 208, 210; moderate  
 opinion, 225; pan-Kikuyu alliance,  
 206; *see also* chiefs and elders
- Kikuyu Central Association (KCA), 205,  
 208, 223–4, 229
- Kikuyuland, 207–9, 234–5
- kin, 136; kinship (African), 13, 179, 192
- kings (unnamed), 49, 50, 54, 66, 108
- Kinyanjui, chief, 201
- Kitale, 218
- Koinange, chief, 205–6, his daughters, 206
- Kubai, Fred, 208, 218, 229
- Lall, Chaman, 216, 224
- land and labour, African understanding of,  
 15, 204–5, 207
- Langbein, John, 74–5
- Langon (eastern Brittany), 51, 59
- Languedoc, 57
- language (of the law), 2, 4, 5, 7, 9, 17–36  
*passim*, 60, 86, 110, 173–4, 244; *see also*  
 English, French, Kikuyu and Latin
- Laqueur, Thomas, 138
- Latin, 9, 76–7, 89, 106–9
- law, anthropology of, 16; autonomy of, 1, 2,  
 5, 14, 37–47 *passim*, 242–5; cultural  
 discourse of, 243; specialised learning  
 of, 10
- law, African, *see* African
- law and order, 63, 77
- law, common, *see* common law
- law courts, *see* courts
- law, customary, *see* customary law
- law, criminal, *see* criminal(s)
- law, early medieval, *see* medieval law, early
- law, Greek, *see* Greek
- law reports, unofficial, *see* Year Books
- law, Roman, *see* Roman law
- law schools, 62–8, 80, 84–7, 122; professors  
 of, 84; schoolmen in, 87–8; teachers in,  
 87
- law, secular, *see* secular law
- law, Visigothic, *see* Visigothic law
- laws; vernacular, 76, 86; of defamation,  
 30, 33, 135; of homicide, 29; of  
*hubris*, 26, 27, 33; of inheritance, 27;  
 of land and labour (African), 204–5;  
 of 1825 (France), 165; of 1838  
 (France), 176; of 1916 (Southern  
 Rhodesia), 194
- lawyers, 12, 16, 22, 41, 45–8, 55, 61, 64–5,



- 72, 84, 163–4, 200, 215, 219, 243–5;  
 British and Indian, 238; canon, 64,  
 67–8, 70, 74, 79, 85, 146, 245; common,  
 71; common-law, 74, 146; defence, 214,  
 220; modern, 80; professional, 7, 51;  
 Roman, 66
- leading questions, 202
- Leakey, Louis, 223, 231; his *Mau Mau and  
 the Kikuyu*, 232
- legal adjournment, 103
- legal brief (*mémoire judiciaire*), 12, 161,  
 163–4, 166–7, 169–70, 174–5, 247–8
- legal positivists, 37
- legal precedent, 45
- legal procedure(s), 6, 14, 69–76 *passim*, 85,  
 87, 130, 161–2, 164, 247–8; procedural  
 rights, 71; summary procedures, 71; *see  
 also ordo iudicarius*
- legal prop(s), 9, 105–6
- legal record(s), 2, 3, 49, 57, 138, 140, 143, 162
- legal revolution (1175–1215), 6, 69, 73, 84
- legal ritual, 3, 7, 25, 48–61 *passim*
- legal rules, 48–9, 57, 95, 112, 135, 142, 146,  
 164; customary, 94; imposed by statute,  
 94; of pleading, 72; of taking words ‘in  
 the milder sense’, 148
- legal system(s), 3, 12, 17–19, 40, 47, 63, 83,  
 95, 136, 179, 241–5, 247; African, 180;  
 alien, 246–7; French, 162–7 *passim*;  
 imported, 15, 246; independence of, 47;  
 white, 180
- legal texts (unnamed), 49, 56–7, 76
- legal theory, 207, 244
- legal training, 5, 242
- legates, 113–14; legacy, 115–16
- legislators, 77, 85
- Leicester, Roger of, chief clerk of court of  
 Common Bench, 99
- Leiston (Suffolk), abbot of, 105
- León (Spain), 53
- leper hospital, 108
- letters, of presentment, 108
- Lewes, prior of, 108–9
- Lewis, Henry, 149
- lexica, 35–6
- libel, 141
- liberties of individuals, respect for, 14,  
 215
- Limona (Italy), 60
- Limuru (southern Kikuyuland), KAU  
 branch at, 223, 225, 230, 234
- Lincoln, earl of, 109,
- lineage 188–9
- literacy, levels of, 48
- litigants, 8–10, 16, 20–1, 23; 28–31, 41, 44,  
 91, 94–5, 100–3, 106, 135, 145;
- defendants, 32–3, 51, 69, 93, 135, 143,  
 214, 230, *see also* the ‘Kapenguria six’;  
 plaintiffs 32–3, 41, 51, 53, 94, 108, 135,  
 145, 193
- litigiousness, in early seventeenth-century  
 England, 159
- Little Canfield, *see* Canfield
- Liutprand, king, 60
- Llandaff, bishopric of, south Wales, 55
- lobola (bridewealth), 179, 187–94;  
 bridewealth goods, 188–91; fixed  
 market price of wives, 190–1
- logographer (ghost-writer), 4, 21, 31
- Loiguire, king, 55
- Loire valley, 51–2, 59
- London, 91, 149, 153–4, 158–60, 202, 206,  
 208, 210–12, 220, 237; and adjacent  
 areas, 140; and suburbs, 154; outside,  
 160; Bell at Putney in, 154;  
 Burchenlane in, 149; Fleetstreet in,  
 141; St Mary le Bow parish, Cheap  
 Ward in, 149; Livery Companies of,  
 142; Lord Mayor of, 154
- Longden, William, District Magistrate and  
 Native Commissioner of Melssetter  
 (Southern Rhodesia), 178–9, 191
- Loudon, Neil, district commissioner, 223
- Lowe, Thomas, baker of St James,  
 Clerkenwell, 156
- Lowther, Hugh of, serjeant, 94
- Lucas, Nicholas, 149
- Lucca (Italy), 50
- Lycurgus, 30
- Lyminge, Kentish monastery of, 51
- Lysias, Attic orator, 21, 30–1, 33, 35
- Lytelton, Oliver, Conservative secretary of  
 state, 211, 213–14, 218–19
- Maasailand, 207; Maasai herdsmen, 204
- Macartyriagh, Helen, 148
- Macci, Antonio, 115
- Macharia, Rawson, 213–14, 221–2, 224–5,  
 234–6, 238
- Macleod, Iain, 232–3, 238
- magistrate(s), 14, 160, 185, 216–17, 220,  
 227; Resident, 13, 181–3; Roman, 38,  
 41, 44
- Magna Carta, 204; (clause 39), 72; (clause  
 38), 76
- majority rule, 202, 233
- malicious suits, 145
- Mallore, justice, 104
- Manby, Anne wife of John, 140–1
- Manchester Guardian*, 232
- Marondella, Native Commissioner, 186
- maropa* (‘blood money’), 186



258 *Index*

- marriage(s), 13, 68, 126, 144, 148, 178–9, 188–90, 207, 247; promise of, 153; marital relations, 144
- Martin, Kingsley, 212, 238
- Martines, Lauro, 115
- masses (for the soul), 113
- Mathu, Eliud, 234
- Mau Mau, 15, 196–239 *passim*; central committee (*muhimu*) of, 228–9
- Maurinus, 60
- maxims (legal), 6, 7, 63, 66, 73–5, 77, 83, 86–90, 216
- Maza, Sarah, her *Private Lives and Public Affairs*, 164
- Mbotela, Tom, 218
- Mboya, Tom, 236
- medieval law, early, 6, 62
- Mediterranean 50; model of honour and shame, 136, 151–2
- meetings, public, *see* public meetings
- Meidias, 29
- Meldrum, Tim, 146
- Melsetter, 13, 178, 183, 186, 191; District, 181, 184–5, 189, 194
- memory, legal versus moral, 15, 205; white, 227
- Menander, comedies of, 33
- merchants, 148
- Meredith, Llewellyn, Native Commissioner, 179
- Merrick, Joy wife of Richard, 141
- Merry, Sally, 240
- mesne process, 101
- Mettingham, John of, justice in eyre, 101, chief justice, 102, 108, 111
- Michelet, Jules, his *Le prêtre, la femme, et la famille*, 167, 174–5
- the Midi (France), 64
- migrants, 207
- Mills, John, bailiff, 134
- minister (of religion), 150, 153
- Minister of Native Affairs (Southern Rhodesia), 186
- minority rule, 202
- missionary, 180, 210
- Mitchell, Sir Philip, Kenyan governor, 210–11, 224
- Mitry, 59
- Monachus, Johannes, canonist, 69–70, 80, commentaries and glosses of, 70
- Le Monnier, Jeanne-Françoise, nun, 12, 161–4, 166–7, 169, 171–7, early life of, 170
- Monvel, Boutet de, *Les victimes clôtées* by, 168
- Moodie, Dunbar, 184–5
- Moore, R. I., 7
- morality, 143; sexual, 151, 158; public regulation of, 138
- Mugello, Dino del, treatise of, 126
- murder, 147, 187, 211, attempted, 218; murderer(s), 186–7
- Murumbi, Joe, 216, 218
- Muslims, 175, 202
- Mutambara, chief, 178–9; Mutambara ‘abduction’ case, 178–9
- naifty, 106
- Nairobi, 204, 211, 215–18; Indian mission in, 236
- Napoleonic code(s), 164–5, 177
- nationalism, African, 15, 196, 202, 209, 232–9 *passim*; Afrikaner, 214; ethnic, 206
- Native Commissioners (Southern Rhodesia), 13, 181–4, 187–90, 192–3
- natural law, 67, 70
- Nazis, 214
- Near East, 49
- Nehru, 216
- Ngei, Paul, KAU official, 231
- Nigeria, 216
- Nikomakhos, 31
- nobles, 140
- Nogent-sur-Marne, 51
- Nonantola, abbot of, 60
- Norbert, priest, 52
- Norfolk, 91–3, 97
- notaries, 52, 60, 115, 122, 248; notarial formularies, 122
- Novalesa, monastery of, 60
- Nyeri, northern Kikuyu, 227
- oath(s), 14, 54, 56–7, 59, 72, 85, 201, 206–8, 210–11, 222, 224, 228–30, 239, Christian, 52; exculpatory, 79; judicial, 34; legal, 19; pre-Christian, 52; special, 21; of denial, 51; oath administrators, 212, 225; oath-helping, 51; oath-helpers, 56, 59
- O’Barr, William, 240
- office holders, 140
- Office of the Dead, 165
- Oi Kalou, township (Kenya), 223, 225
- Olunguruone, squatter settlement (Kenya), 207
- oligarchy, 27
- Onoko, Achieng, KAU general secretary, 220, 225, 231
- opinion, public, *see* public opinion

- orators (unnamed), 5, 39–40, 45  
 oratory, in the courtroom, 23, 25  
 ordeal(s), 53, 59, 69, 72, 78, 81, 85, 234  
 ordinance, royal, 165; Crown Lands  
     Ordinance (1915), 205, 218, 223–4,  
     amendment to (1948), 224; Natives  
     Marriages Ordinance (1901), 190–1  
*ordo iudicarius*, 6, 69, 71–2, 78–80  
 Osborne, R. G., 23  
 Otiende, Joseph, KAU secretary general,  
     230  
 Oulette, Jacqueline, 177
- la Palla, hospital of, 119  
 pamphlets, 175; pamphlet literature, 12  
 Papinian, Roman jurist, 39  
*paragraphé* (counter-prosecution), 33  
 Paris, 168  
 parliament, contempt of, 219  
 parricide, 30  
 Pashley, Edmund of, 93, 104  
 paternity charges, 153–4  
 patronage, 13, 189, 192  
*patronus* (one who represents another in  
     court), 42  
 Paul, Roman jurist, 39  
 Pavia, 52, 60; count of, 60  
 peasants, 8, 51–2, 58–61, 91–3  
 Pedraza, Geoffrey, district officer, 231  
 Peillac (Brittany), 59  
*peine forte et dure*, 79  
 penance, 145, 158  
 penitance, 78  
 pension, 169  
 Peretola, 117–19, 130  
 Perham, Margery, 212  
 perjury, 150, 222, 235  
 Perugia, messer Tommaso da, 128  
 philosophers (unnamed), 45, 68  
 Phryne, courtesan, 35  
 physician(s), 45, 148, 150  
 Piero, Piero d'Andrea di, 128  
 Pilate, Pontius, 56  
 Piperata, Thomas de, jurist, 82  
 Pippin I, of Aquitaine, 52  
 Pisa, 117  
 Pistoia, Cino da, 127  
 Pitt-Rivers, Julian, 135  
 Plato, 31  
 plea rolls, 9, 10, 92–112 *passim*  
 pleading process, 86, 94, 96–7, 101–3, 106;  
     language of, 107–11 *passim*  
 pledges, or sureties, 51–3, 58–9; pledging,  
     189–90  
 Pliny, the younger, 42
- pocketbook, 49  
 podestàs (of Italian cities), 66  
 pope(s), 66, 70, 85; *see also* Boniface VIII,  
     Gregory IX and Innocent III; papal  
     court, 85  
 Por Santa Maria, consul of the oversight  
     guild of, 120  
 Portuguese East Africa, 178, 189  
 positive law, 70  
 poverty, 144  
 Prato, 116, church in, 119  
 precedent, legal, *see* legal precedent  
 prefects/subprefects, 166  
 presentment, 76  
 press, 14, 211, 218, 222–3, 226, 234, *see also*  
     *Daily Telegraph*, *East Africa Standard*,  
     *Gazette des Tribunaux*, *Manchester*  
     *Guardian*, *Punch*, *The Spectator* and  
     *The Times*; editor, 226; reporters, 220,  
     226  
 ‘presumption of innocence’, 70  
 Pritt, Denis, Queen’s Counsel, 216–19,  
     221–5, 227–31, 234–7, 244  
 privy council, 221  
 procedure, legal, *see* legal procedure  
*procurator*, 128–9  
*procureurs*, 166  
 proletariat, rural, 15  
 property, 77, 113, 115, 165, 177, 182, 188;  
     family, 123, 132–3; law, 131, 189–90,  
     194; rights, 58–9, 188  
 prop(s), legal, *see* legal prop(s)  
 prosecutors, public, *see* public prosecutors  
 prostitute(s), 153, 155  
 proverb(s), 89, 109, 224  
 proxies, 96  
 public meetings, 8, 50, 56  
 public opinion, 12, 164–5, 226, 246  
 public prosecutors, 21  
*publica fama*, use of, 82, 245  
*Punch*, 233–4  
 punishment, 78, 82, 143, 154, 170, 182–3,  
     185–7; breaking on the wheel, 165;  
     capital, 158, 160; exile, 184; flogging,  
     183, 185; imprisonment, 185, with hard  
     labour, 183, 186  
 purge, 79
- quare impedit*, 104  
*quare non admittit*, 108–9  
 Quaratesi, Castello di Piero, arbitrator, 128  
 Quintilian, 40
- race, 203; multi-racialism, 202, 209, 212;  
 racial conflict, 203

260 *Index*

- radio, 231  
rape, 182–3, 185; rapist, 182–3  
Ratfred, *machtiern*, of Brittany, 52, 55  
recognition to keep the peace, 140  
record(s), legal, *see* legal record(s)  
recorder, 56  
Redon, abbot of monastery of, 52  
Reformation, 147  
Reggio (Italy), 60  
Reginald, monastic advocate, 60  
Renaissance, 67; twelfth-century, 85  
rent(s), 59, 60  
reparation, 13, 184–5  
replevin, plea of, 104–5  
Republic, Roman, *see* Roman Republic  
republicanism, 174, 176  
reputation, 11, 12, 138–9, 143, 145, 147,  
150–3, 155, 157, 160  
Restoration, 148, 159  
retribution, principle of, 185–6  
Reuters, 218  
revolution, legal, *see* legal revolution  
rhetoric, 4, 24, 243, teachers of, 45;  
rhetorical exercises, 42; rhetorical skills,  
248; rhetorical theorists, 30; rhetors, 38  
Rhodesia, Northern, 235; Southern, 13,  
178–95 *passim*, 246–7; European law  
(contractual and retributive) in, 182–3,  
186–9, 194; Legislative Council of, 190;  
native law and custom in, 13, 180,  
183, 187–9, 195; Roman-Dutch law in,  
178, 182, 186, 194, 247, 249; universal  
criminal code of, 178–9  
rhymes, popular, 141, 152  
Richard I, king, 97  
Rift Valley, 204, 209, 220, 223  
right(s), 68, 77, 182; and individual liberties,  
173; civil, 197; human, 62, 68;  
individual, 10; lineage, 183; property,  
67–8; royal, 66–7; squatters', 207;  
trade union, 202; *ius*, 68, 77; *dreit*, 68  
Ripon, Anger of, chief clerk of Common  
Bench, 101  
ritual, legal, *see* legal ritual  
Roberts, Simon, 243, 247  
Rogers, Philip, 211–12, 214  
Roman bar, 42  
Roman Empire, 38, 40, 43, 62, 65, 87, 243;  
emperors, 38, 43; emperor's council, 38;  
praetorian prefect, 39; provincial  
governors, 38, 43; urban praetor, 41  
Roman law, 4–7, 19, 22, 33, 37–47 *passim*,  
54, 62–7, 76, 82, 109, 114, 243–4, 246;  
definition of classical period of, 37  
Roman Republic, 38, 40, 42, 46; consulate,  
42  
Roper, Lyndal, 136  
Royal Injunctions (of 1559), 147  
Rufus, Servius Sulpicius, jurist, 40  
rule of law, 182, 184  
rules, legal, *see* legal rules  
rumour(s), 141, 143  
Russians, 218  
Saham, King's Bench justice, 100  
St Cadog, 52  
St Gall, Switzerland, 57  
Saint Sacrement, Benedictine monastery of  
(Bayeux), 161, 169–73; superior of,  
161, 170–1  
salary, 116, 237  
Salisbury, Close gate in High Street of, 134  
Salomon, 52  
Salutati, Coluccio, humanist, 115  
salvation, 130, 132  
San Biaggio in Petriuolo, 116  
San Cristofano of Nuovoli, 116  
San Gaudenzio, 116, 119  
San Jacoppo di Sanbuco, 116  
San Martino, 116  
Sanbuco, farms in, 117; *albergo* at, 119;  
holdings in, 119  
Santa Maria in Cintoio, 116  
Santa Maria in Peretola, 116  
Santa Maria Nuovo, hospital of, 119  
Santi Apostoli, dwelling in, 116, 119  
Sassoferrato, Bartolo da, 125;  
commentaries of, 124–5; texts of, 127  
Sawll, Goodwife, 149  
Sayers, D. L., 19  
Sayles, G. O., 99  
Scaevola, Q. Mucius, Roman jurist, 40  
la Scala, hospital of, 119  
*scandalum magnatum*, offence of, 140  
Scandinavia, 50  
scolds, 141  
Scotland, 246  
seals (wax), 10  
second world war, 202  
secular law, 83, 161–2, 165, 174–5  
Sedman, Roger, 91; Roger son of Roger,  
91, 93; William and John, younger sons  
of Roger, 91–3  
seduction, 182–3, and abandonment, 153  
Segna, Lorenzo di Francesco di Giovanni di  
ser, 128  
Seipp, David, 72–3  
Sempringham, prior of, 101  
Seneca, his *Controversiae*, 42  
sentence, 21  
sequestration, 172, 175  
serfs, 8, 58, 60, 72

- serjeants at law, professional, 9, 93, 101, 103–5, 107–12, 244  
 servant, 116, 170  
 settlement *see* judgement  
 sexual, braggarts, 154; matters, double standard in, 11, 155–6; mores, of society, 11; offences, 149, 152–4, *see also* adultery, bastard-bearing, debauchery, fornication, seduction *and* whoredom; sexuality, 11  
 shame, 136–7  
 Shari'a law (Islamic), 243  
 Sharpe, James, 137, 156  
 Shoemaker, Robert, 140  
 Shrewsbury, 91  
 Silus, Gaius Albucius, orator, 19  
 Simpkins, Anne, and Thomas her husband, 149  
 simony, 78  
 sin, 78, 183  
 slander suits, 11, 134–60 *passim*, 247  
 social class, upper, 38; middle, 202  
 social elite, 242  
 social exclusion, 242  
 Societies for the Reformation of Manners, 160  
 Somerhough, Anthony, deputy public prosecutor, 213–14, 218, 219–26, 228–31, 238  
 Somerton, Roger of, 108  
 Somerton, West (Norfolk), 108  
 South Africa, 202, 214  
 Spain, 43, 52, 55  
*The Spectator*, 160  
 Spigurnal, Henry, serjeant, 94, 108–9  
 squatters, 15, 206–7, 210  
 Stanton, Hervey of, senior clerk and future justice, 101  
 'State Trials' (1289–93), 100  
 statutes, 71, 94, 114, 130, 140; in Athenian law, 4, 26, 29–30, 32; of Edward III, 71  
 Stendhal, his *Le Rouge et le noir*, 166  
 Stephen of Tournai, canonist, 69, 78  
 Stephenson, Alice, 140  
 Stewart, Frank Henderson, 135  
 Stixwould (Lincolnshire), 109  
 strike, general, 207  
 Stuart kings, early, 159  
 students of law (apprentices), 9, 86, 92, 112  
 substitution, 10, 116, 120–6, 128, 130  
 Sudan, 236  
 Sue, Eugène, his *Mystères de Paris*, 166 and *Le juif errant*, 166, 172–4, 176  
 summary process, 79  
 Sunbury, disputed estate of, 55  
 sureties, *see* pledges  
 surgeons, 148  
 system(s), legal, *see* legal systems  
 Tabitha, crown witness, 225  
 Tanagli, Guglielmo, Florentine jurist, 121  
 Tattershall, Robert of, 91  
 Ten Commandments, 67  
 tenants 91; tenants-at-will, 205  
 testament, *see* will(s)  
 testimony, 163  
*Tetralogies*, 24  
 texts, legal, *see* legal texts  
 Thacker, Ransley, judge, 217–25, 227–8, 230–2, 235–7  
 theft, 147–8, 151, 187; thief, 23, 52, 77  
 theologians, 68  
 Theomnestos, 30, 33  
 theory, legal, *see* legal theory  
 Third World, 62  
 Thomas, Rosalind, 245  
 Thompson, Dudley, 216  
 Thompson, E. P., 1–3, 15, 240; his *The Poverty of Theory*, 1, 2  
 Thomson's Falls, Kenya, 223  
 Thurston, Ambrose, 157  
 Tierney, Brian, 67  
 Tillard, Léon, lawyer, 161, 166–7, 169–77, 244  
*The Times*, 212, 232  
 Tirechan, 55  
 tithing, 110  
 title deeds, 102, 104, 205  
 Toleration Act (1689), 159  
 Tomlinson, Widow, house of, 134  
 torture, 20, 79, 81–3  
 Tothby, serjeant, 105  
 traders, 148, 203  
 training, legal, *see* legal training  
 treason, 78  
 Trench, Charles C., 237  
 trespass, 105, 143  
 tribal politics, 214  
 troops (British), 211  
 Tswana, southern, 243  
 Turner, Victor, 248  
 Ubaldi, Baldo degli, 125; argument of, 126; commentary of, 125  
 Ulpian, Roman jurist, 39  
 Ultramontanism, 167, 169, 174–5  
 Umtali, Southern Rhodesia, 179  
 unfree, 8, 106  
 unjust distraint, 102  
 USA, 74, 80, 199; Bill of Rights of, 73; Constitution of, 6, 19, 73, 87, Second Amendment to, 76, Fifth and Sixth