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“Tanfield’s Principle”……… V. II, p. 34, 52, 70, 72, 76, 80, 82, 93, 115, 145, 170, 176, 184, 215, 349, 350.

Testamentary jurisdiction of Ecclesiastical Courts (1)
General discussion …………. V. I, p. xxxix-xl.
Administration of intestates’ estates……… V. I, p. xl, 154-156, 364, 368;

Executorless will annexed…… V. II, p. 247-249.
Nuncupative will……… V. II, p. 232-233, 244-247.

Revocation of administration……… V. I, p. 322-326.
V. II, p. 317-322.

Testamentary jurisdiction of Ecclesiastical Courts (2)

Conditional legacy, breach of condition….. V. II, p. 265-267
Inter vivos gift, exhausting assets…… V. I, p. 319-322, 324-325;
V. II, p. 83, 118-121, 144-145, 304;
V. III, p. 21, 141, 245.

Lease accepted in lieu of a legacy…………… V. II, p. 119-122,
“No assets” ………… V. II, p. 29-42 (six cases),
(i.e., insufficient funds in the estate to satisfy legacies as well as debts.)
Plene administravit… V. II, p. 286-289.
Release…………………… V. II, p. 210-216, 216-217;
Revocation…………….. V. II, p. 249-262.
“Shifting legacy”……… V. II, p. 267-270.

Testamentary jurisdiction of Ecclesiastical Courts (3)
Probate………………… V. I, p. xxxix, xl, lxxiii, 37, 132, 172, 201-204, 290-291, 327, 330, 367;
V. II, p. 84-85, 233, 247, 251-257, 262, 270, 282-283, 318;
V. III, p. 164.
Subject Index

Testamentary jurisdiction of Ecclesiastical Courts (4)
Wills, with special characteristics (as opposed to straightforward wills in most of the cases above).

Mixed wills
V. I, p. lxxiii, 201-204, 290-291, 327-331, 349;
V. II, p. 84-85, 252-255.

Suit to revoke will

Executorless
V. II, p. 247-249.

Nuncupative
V. II, p. 232-233, 244-247.

Oral addition to will, creating trust
V. III, p. 160-163.

Third party intervention (in ecclesiastical law)

Thorne, Samuel
V. I, p. 50.

Tithes, General discussion
V. I, p. xxxiii-xxxix.

Many of the procedural and jurisdictional problems in these volumes arose from tithe suits. Substantive questions of tithe law are beyond the scope of Vols. I-III. The reader can, however, get an impression of the variety of tithe suits and of defendants’ claims why tithes were not due.

Tithes (1) The staple tithes, grain and hay, sometimes appear in the cases and are likely to be the subject of ones in which the product is not reported. Only suits for other products (which present more tithe-law problems than grain and hay) are indexed. Vol. III, Sect. I.F (p. 119 ff) is about a feature of tithe law only applicable to grain and hay.

Animal products
Barren cattle
V. I, p. 77.

Dry cattle, agistment
V. I, p. 193 ff.
V. III, p. 229

Draught / work animals
V. I, p. 152, 300.

Fish
V. II, p. 112.

Lambs
V. I, p. 308;
V. II, p. 72.

Milk, cheese, calves
V. I, p. 73, 358, 360-i;
V. II, p. 175.

Pigeons
V. I, p. 302.

Wool
V. I, p. 212, 257 ff, 309;
V. II, p. 70, 149.

Tithes (1) (cont’d).

Garden produce, fruit
V. I, p. 271;
V. II, p. 141.

Wood (distinguished by the law as between valuable timber and other forms, mainly useful as fuel);

miscellaneous fuel products
V. I, p. 63, 65, 195, 220, 263, 298;
V. II, p. 165, 172;
V. III, p. 10, 11, 18, 20, 22.

By products
V. I, p. 190, 248, 251, 252, 257, 275, 285;

Tithes (2) (a) Prescriptive commutation or modus decimandi
V. II, p. 87-89, 109-112, 112-116, 131, 151-152, 166, 172-175;
V. III, p. 27-28, 80.

Note: Persons sued for tithes very commonly claimed that the tithe was commuted. The Prescriptive claim is the commonest form of claim for commutation. There are roughly 40 instances of this in Vol. I, rarely of intrinsic legal interest. Leafing through these cases would give a sense of the different kind of modi claimed.

The context of Vols. II and III, on the other hand, allow for significant discussion of the modus as such.)

Tithes (2) (b) Composition Real
See Composition Real.

Tithes could also be commuted by Composition Real.

Tithes (2) (c) Commutation by Contract
V. I, p. 63, 65.

Tithe payers and recipients could simply contract for a commutation (for any time up to the limit of their lives). Because these bargains made a difficulty for Prohibitions, they appear in this book.
Subject Index

Tithes (3) Exemption from tithes
   (a) Monastic lands
   (Land owned by monasteries before the Reformation was often tithe-exempt, either by privilege conferred under the law of the church or by prescription. When the monasteries were dissolved these exemptions were preserved by statute to donees and vendees of monastic land.)
   (b) Land owned by ecclesiastical institutions (could be exempt by prescription in non decimandi)
   (c) Land reclaimed from waste (temporarily exempt by statute)

Tithes (4) Claims that no tithes were due resting on allegation that the person suing for them was not incumbent
   Note: Related are claims that the person suing for tithes, though incumbent in some parish, mistakenly alleged that the produce in question was grown in his parish.

Tithes (5) Other Topics
   Access to tithes
   Jure divino theory of tithes
   Leases of tithes
   Liability for tithes beyond the land occupiers’ – executors’, servants’, vendees’
   Monarch’s privileges respecting tithes
   Products exempt de jure (but capable of tithability by custom)

Tithes (5) Other Topics (cont’d)
   Severance of tithes (legal “payment”, conversion to recipient’s property)

Two-witness rule
   All cases in Vol. II, Sect. IV (p. 207 ff) concern the two-witness rule.
   General discussion
   Other references

Utrum

Verdict

Vicar / Vicars

Visitation, Episcopal

Right to visit

White, Stephen D

Wills

Women, Legal status of

Cf. Appropriation / Impropriation.

Trespass

Two-witness rule

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Verdict

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White, Stephen D

Wills

Women, Legal status of

Cf. Marital jurisdiction of ecclesiastical courts.
Subject Index

Writs, Common law (miscellaneous) (1) (a)
The study is mainly based on the writ of Prohibition and its “inverse”, Consultation. For basic nature of these writs….
A few passages on the general theory of Prohibitions can be singled out from the many cases started by Prohibition that constitute most of the book.

V. I, General introduction.
V. I, p. 161-165, 175-177;
V. II, p. 124-133, 194;
V. III, p. 250-251.

Writs, Common law (miscellaneous) (1) (b)
Many Consultations reported are not separately indexed. Sometimes they merely execute final judgment in favor of defendant-in-Prohibition.

A special problem is raised by Consultations sought on a motion prior to judgment…
(In practice, such motions were commonplace and are not separately indexed.)

For problematic instances outside V. I, Sect. VII…
(Instances under this heading commonly concern whether formal pleading should be insisted on or Consultation on motion considered.)

Writs, Common law (miscellaneous) (1) (c)
A number of cases arising on Habeas corpus present issues similar to those arising on Prohibition…

These issues appear almost entirely in V. II, Sect. V.B (p. 337 ff).

Habeas corpus references…
V. I, p. xxv-xxviii, lix, lxixii, 2.
V. III, p. 216, 250.

Writs, Common law (miscellaneous) (2) Other Writs

De excommunicato

Capiendo…………………
V. I, p. xlvii, 133-137;
V. II, p. 353;
V. III, p. 194, 250-251.

Mandamus…………………
V. I, p. 172, 294, 361, 366-371;
V. II, p. 8, 176, 283.

Mittimus…………………
V. I, p. 106.

Monstraverunt……………
V. I, p. 337.

Nisi prius…………………
V. I, p. 375.

Recordari facias……………
V. I, p. 108.

Rege inconsiderato……………
V. I, p. 380.

Supersedeas………………
V. I, p. 109, 365.

Venire facias………………
V. I, p. 185, 376.

Writ of error………………
V. I, p. 82, 101, 213, 290;
V. II, p. 33.

Writs, Common law (original)…
See Forms of Action at Common Law.
See also Subpoena.

Yearbooks, citation of……
V. I, p. lxxviii, lxxix;
V. II, p. 166, 238, 258;
V. III, p. 23, 32, 49-50, 73, 93, 97-98, 101-105, 112, 118-119, 143-144, 205-211
See also, Index of Cases.