

**Online appendices to:**

**A machine-learning history of English caselaw and  
legal ideas prior to the Industrial Revolution I:  
generating and interpreting the estimates**

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## Appendix A: The English Reports

*The English Reports* (Renton, 1900-1932) are as close as exists to an official account of English court proceedings from the mid-sixteenth century to 1865.<sup>1</sup> But during that time the reporting of court proceedings was neither officially mandated nor centrally organized. Court reporting was a product of private enterprise. It arose in the attempts of judges, other lawyers, and students of the law to facilitate the educational process for lawyers and to build for themselves a record of what constituted English law, especially focusing on cases that they had personally witnessed. The purpose of this reporting was to collect legal doctrine to guide education and personal practice, and therefore considerable effort was expended in ensuring accuracy (Ibbetson, 1985). For centuries, such records were simply in manuscript form, and not intended to provide knowledge of the law to a more general audience. But developments in the sixteenth century changed matters. The official Year Books of cases were no longer produced after 1535 (Ibbetson, 1985). Changes in procedures made judges more active in more lawmaking: decisions were more likely to reference authority, that is rely on precedent (Baker, 1989). Finally, the printing press rose to importance.

Edward Plowden is credited with being the first reporter to explicitly prepare for publication (in 1571) the reports of cases he had personally witnessed (together with other important historical cases). Moreover, he introduced the innovation of reporting both the record of the steps in the case and the intellectual arguments during each step, especially those that were the basis of the decision (Baker, 1989). He also set the style of concentrating on what he thought were the most important cases, rather than aiming at complete coverage (Plucknett, 1942: 192, 203). His efforts were immediately followed by legal entrepreneurs searching for older cases that had gone unreported in print, but that could be found in the notebooks of practitioners. "The unforeseen effect of Plowden's Commentaries was, therefore, the creation of a new class of legal literature, that of 'new cases.'" (Plucknett, 1942).

Next in line of those who prepared their reports with a direct eye on the printing press was Edward Coke, who set the style for many of the reporters in the century following him, particularly in providing copious references that could later be used to cite authority (Winfield, 1925: 158). He produced 13 volumes of reports, focusing on the years after he entered the legal profession (1578). Coke witnessed, even participated in, many of the cases on which he reported, but he certainly did not restrict himself to these cases. Moreover, his reporting was very far from a verbatim transcript

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<sup>1</sup> After centuries of dissatisfaction with the heterogeneous collection of publications that eventually became the English Reports, a semi-official, and highly organized, reporting system began in late 1865. Until 1537, official documentation was kept in two sets: the plea rolls and the Year Books, with the latter discontinued in that year. The plea rolls were the official record of transactions in the courts and contain few details that are similar to those in modern legal reports. The Year Books are reports of the arguments made in court, usually without the decision and its basis. Unlike more modern reports, they were not constructed to provide a basis for the search for authority and precedence. (See in general, Winfield (1925) and Baker (1989) on the plea rolls and Year Books.) These Year Books did not provide information that approximated the late sixteenth century and later style of law reporting: they do not provide enough detail to understand the nature of the arguments in cases nor the decision (Baker, 1989). Some of the Year Books have been published but no exercise like that in this project could be conducted using these publications. The coverage is too spotty, the reporting is not reliable, the decisions are not elaborated, and most of the cases in the Year Books are written in the archaic Law French that was used until the 17th century.

of what occurred, containing much commentary by Coke himself, even on cases he never witnessed, and also providing his own interpretation of what happened and the basis of decisions.<sup>2</sup> He also followed convention and wrote his reports in the archaic Law French.<sup>3</sup> He was unusual for his time, as was Plowden, in starting with the intention that his reporting would be published. Even so the editions handed down to the present day were translated into English after his time and edited in a succession of versions.<sup>4</sup>

Until the 1760s,<sup>5</sup> this was the process of construction of those reports that eventually found themselves in the standard 20<sup>th</sup>-century version, *The English Reports*. There was ad hoc selection of cases that were not necessarily restricted to the reporter's personal knowledge, no attempt at a systematic overview of a particular time period, and editing by subsequent publishers. Moreover, many of the early reports, unlike those of Plowden and Coke, were not intended for publication, or even broad circulation. They were edited for publication after the death of the author, with an entrepreneur's eye on an eager audience of students and practitioners. This audience was in need of information on the leading cases cited by judges who themselves had imbibed their knowledge through the oral tradition that had existed in the Inns of Court for many centuries.<sup>6</sup> Scholarly opinion on these reports has therefore emphasized two sets of views that seem, but are not, contradictory. The first is widespread criticism of the accuracy of the reports, including on attributions of authorship, inconsistent overlapping reports of the same cases, the inferior abilities of some of the reporters, and simple mistakes; see, for example, Winfield (1925) and Baker (2019). The second is the acknowledgement that these reports were the ones used by many generations of lawyers, and indeed are still in use today, for they provide the best, even if highly imperfect, record of the most important deliberations that were occurring in English law over several centuries. It was absolutely crucial that the record of such deliberations would be available to later lawyers and scholars because the reports cover the era when authority, and then precedent, rose to be a central element of law:

It has to be admitted that few of Plowden's successors followed his example or reached his standard. But that is not the point. The cast of mind which produced these words was that of his contemporaries, and is recognisable

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<sup>2</sup> "In connection with his habit of editing the conclusions of the court in accordance with his own views of the law, it may be added that Coke is not always accurate" (Veeder, 1901a: 18).

<sup>3</sup> There were very few exceptions, and only for highly significant cases that were written in English (Garnett, 2013).

<sup>4</sup> The translation into English from Law French, which was used in many of the original early reports that were incorporated into *The English Reports*, is less significant than would at first seem. By Elizabethan times, law French had become an artificial language, not spoken, easily learned, nearly without grammar, and mainly useful because it provided a very convenient shorthand for the judges to take their notes (Baker, 1979: 9-14). Baker (1980: 7) comments that the translations "on the whole combine accuracy with elegance". Moreover, "The law French of the seventeenth century was a totally artificial language; the writers were thinking in English, and the quirks of their French were matters of legal jargon, not of linguistics. Thus, the true original language is English. This is clear from the vocabulary and grammatical structure of the texts..." (Bryson, 1985: 114).

<sup>5</sup> There is general agreement that the quality of reporting rose considerably in, approximately, the 1760s and remained much higher thereafter (Winfield, 1925). Accuracy became a central objective of a set of more professional reporters, who settled on implicit standards of organization, promptly published, and ensured a much more complete coverage of all decisions (Veeder, 1901a).

<sup>6</sup> The editing was, however, often handled by capable practitioners, who probably, on balance, reduced the number of errors (Veeder, 1901a). The editing is therefore much more of a problem for legal historians trying to ascertain exactly what particular lawyers knew at a certain time than for an exercise like ours, which aims to create a macroscopic picture of the development of the law.

to a common lawyer even of the twentieth century. Plowden's book is the first clear indication that the common law was no longer based simply on the "common learning" of the profession. It had come to depend on judicial decisions, interpreted in the context of the facts which gave rise to them. It does not follow that such decisions were binding, since the strict doctrine of stare decisis belongs to a much later period. But the nature of case law had changed. The new reports were not manuals for pleaders, products perhaps of an educational routine, predicated on the work of the pleader as much as on that of the bench, collections of indecisions and advice rather than judicial decisions—books of possible moves in legal chess. They were authorities, in a new sense. The common law was now what the courts said it was, and the courts had embarked on a new mission to develop the common law from case to case. Baker (1989: 42).

When a new system of systematic, semi-official reporting began in 1866, the old reports that had been produced for several centuries did not become obsolete. They were effectively the legal record for the time period that they covered. Eventually, this was recognized, again via private enterprise, in an effort to collect together all recognized published reports of reasonable quality in one consistent set of volumes.<sup>7</sup> The effort began in 1900 and was completed in 1930. As much as possible, these volumes, called *The English Reports* (Renton, 1900-1932), were a faithful reproduction of more than 1000 separate publications that contained reports that were already in existence, with only minor corrections, and some added notes. The original reports were not generally used, but rather later editions that were deemed more reliable (Anon., 1931). *The English Reports* aimed to be nothing more than a reprint with some correction of errors, and in that it seemed to have met its goal (Winfield, 1925).

The cases reported in *The English Reports* are not an inventory of all decisions made over the relevant period, although lawyers, rather than legal historians, have often treated them as such.<sup>8</sup> Therefore it is important to understand the selection process that led cases to be included in the final set of 178 volumes.<sup>9</sup> Selection occurred at several levels. Only the deliberations and decisions of the superior courts appear in *The English Reports*.<sup>10</sup> Arcane procedures determined which cases would be heard in these superior courts. These courts were both first-instance courts and courts of appeal, in a time when courts were not organized in modern-day hierarchies and there existed no

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<sup>7</sup> "The idea of thus reprinting all the best English Law Reports from 1300 to 1865 (when the official Law Reports were begun) without any abridgement, without loss of a single word, we owe to the late Charles E. Green, Law Publisher, Edinburgh and London..." Anon. (1931: 96).

<sup>8</sup> In the index of cases begun in volume 177, there is a statement that the reports are the "Complete Verbatim Re-issue of the Decisions of the English Courts prior to 1866".

<sup>9</sup> Some sources state 176 volumes. The last two volumes provide the index of cases.

<sup>10</sup> We use the term 'superior courts' in the same way that Baker (2019) does. These superior courts were the ones located in Westminster (the seat of government, which was to the west of the original City of London and which during the period studied in this work was gradually absorbed into the jurisdiction now known as London). Very approximately, these courts were at the top of a legal hierarchy, but a hierarchy that had zero depth for some types of cases and at certain times. Our data cover such a long time period of a constantly changing legal system, governed by many informal rules, that it is impossible to give an exact description of the structure of this hierarchy. In the dataset used in this project, 99.8% of the reports come from one of three superior common law courts (King's Bench, Common Pleas, and Exchequer), the Chancery (a court of equity), the specialist Ecclesiastical, Admiralty, and Probate and Divorce courts, and the House of Lords (the highest level appeal court for the whole legal system).

formal appeal procedure, only several ways to challenge previous judgments (Baker, 2019: 90-92). No doubt, the superior courts heard the most pressing disputes of the time, but they also heard cases that contained legal issues that were either particularly interesting to the sitting judges or that involved points of law that were especially in contention. For example, for some cases that were officially being tried in the central courts fact finding and jury deliberation could occur away from the capital, as individual judges rode their circuits.<sup>11</sup> In these situations, the judges on circuit who were in charge of the trial sometimes reserved difficult points of law for the whole court in Westminster, a selection process that would ensure that new contentious issues would be more likely to be discussed within the superior courts and therefore provide material that a reporter would want to record (Baker, 2019: 92, 149). Litigants could also challenge decisions that had been made in local court proceedings outside Westminster before a final verdict was pronounced by the full court in Westminster. Interested knowledgeable observers were even known to influence the set of cases that were referred for discussion by a larger set of judges (Oldham, 2011: 188). Judges, the litigants' lawyers, and observers were hardly likely to bother the full court with points of law that were already settled. A similar procedure was available to lower-level regional officials whereby they could bring difficult questions to the attention of informal panels of the top judges. Those judges would debate the issues in a forum that was open, not only to top lawyers, but also to students of the law.<sup>12</sup> Such debates would then enter the record of case reports, since such debates led to interpretations of the law used by the judges when supervising trials at the top courts (Oldham, 2011).<sup>13</sup>

Thus, the types of cases considered by the superior courts were certainly not a random cross-section of all the types of disputes that arose naturally within the legal system. The cases in the top courts were slanted towards those dealing with important issues of law that judges and top lawyers at the time thought unclear and not easily decidable from the stock of cases in the oral, and increasingly written, records of the English legal profession.

Moreover, only a subset of the cases that were heard made its way into the reports. Reporting was driven by two motives. First, there were reporters who were following professional goals: they would be anxious to document the issues in the cases in which they had participated, or they had a desire to contribute to the written record of the English law as an act of scholarship, or perhaps they even wanted to alter the course of legal development by imparting a certain flavor to a report. Plowden himself attested to such motives (Plucknett, 1942: 193). Coke was an unparalleled example of this type of reporter, but there were many more who were similar, and many who were

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<sup>11</sup> This procedure was known as *nisi prius* (unless before then), referring to the summons for jurors to come to Westminster unless before then a judge (on circuit from a superior court) had held court in the locality in which the juror lived (Baker, 2019).

<sup>12</sup> The opportunities for such treatment of important points of law were fewer for criminal than for civil cases, but came to be increasingly regularized as the seventeenth century proceeded (Baker, 1981).

<sup>13</sup> Oldham (2011: 185) describes how the process worked even for trials within the City of London: "Cases were referred to the twelve judges for a variety of reasons. The twelve judges resembled a select club of gentlemen, and ordinarily they respected and consulted each other in a collegial manner. At the Old Bailey, the common law judges sat in rotation, but never predictably in company with the same colleagues...When a legal question arose about which the trial judges were doubtful, the most sensible course was to reserve the question for discussion with brother judges at the next opportunity, perhaps at the gathering of all of the judges on the first day of the following term. The result of the deliberations could then be reported back to the Old Bailey by one of the judges sitting in rotation at the next Old Bailey sessions."

much more willing to present a more neutral perspective on the law than was Coke. Second, there were those who were driven more by pecuniary than professional goals. As authority and precedent became increasingly important in the later 16<sup>th</sup> century, the demand for legal knowledge burgeoned, just as the printing press became commonplace. Printers therefore sought the manuscripts of deceased reporters and published them. Well-known reports that had been cited in manuscript form were printed (Baker, 2019). Often these notes were edited and organized by scholar-lawyers at the time of publication, and these editors were of greatly varying caliber (Bryson, 1985).<sup>14</sup> The demand for such reports was obviously a demand derived from that of the legal profession itself, in quest for information on the new law being produced, or on law that was being constantly cited but had not yet moved from written manuscript to publicly available printed volume.

Thus, from the cases considered at the top courts in Westminster, the set of cases selected to become part of some printed report very much reflected the preferences of the legal professionals. Presumably, those preferences would have included the desire to have a record of important decisions that could become the basis for citation of authority or precedent. Those preferences would also have reflected the need for a record of a particularly clear decision on a standard situation that could be used to model an argument in future cases. Whether the motive came from the desire for professional prestige on the part of the reporter or the derived demand of legal practitioners, little was to be gained by reporting cases that simply covered well-trodden ground that had been previously published. Rather, the reporters undoubtedly naturally gravitated toward reporting on cases that touched upon relatively unexplored legal issues and ideas, often reflective of underlying societal evolution and shifts.

For sure, there must have been much randomness in the process of the selection of cases for reporting, as well as imperfect knowledge of which cases were really important. There is also good evidence of a lack of quality in many of the individual case reports themselves and a lack of diligence in the organization of the volumes of case reports. Thus, criticism of the printed reports abounds (Baker, 1975).<sup>15</sup> Nevertheless there were very strong incentives in the legal profession, and in the broader economy, that would have ensured that the legal profession could have access to reports of a reasonable level of quality on all of the major decisions that were made. These incentives became even stronger as the place of authority and precedent were solidified.<sup>16</sup> The

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<sup>14</sup> The heyday of this process was in the decade just before the Restoration (1660) when censorship of legal materials almost ceased and printers rushed to catch up with the publication of manuscript materials covering the first half of the seventeenth century and even before (Bryson, 1985: 114).

<sup>15</sup> Summarizing for the modern student, Baker (2019: 192-194) cites the following deficiencies: a low standard of editing, the use of informal notes, incorrect attribution of authorship, and duplication of reports even in the same volume. "Most of the early-modern reports in print were casual gleanings from dead men's studies which got into the hands of law printers" (Baker, 2019: 193).

<sup>16</sup> "Law reporting may have been primarily an exercise in self-education, but already by the end of the sixteenth century there may have been a shift in attitude towards these reports, and to law reports in general... If such a shift did indeed occur, it can perhaps be associated with the change in the common law mentality which occurred in the first half of the seventeenth century. As the political theorists' picture of the common law as a system grounded in reason mediated through custom came under attack in the first half of the seventeenth century, so too did common law practice move away from arguments based on reason to arguments based on authority. The publication of Coke's Reports was of paramount importance here; no sooner had his report of Slade's Case been printed than it—Coke's report of the case rather than the decision itself, it should be noted—was being cited in the court of Common

incentives followed from goals that became easier to fulfill as printing became ever more widespread and as censorship declined in importance. Thus, "By the middle of the seventeenth century printed law reports carried what amounted to a judicial imprimatur. Individuals might continue to take their own notes, but doing so became ever more distinct from the increasingly institutionalised practice of Law Reporting" (Ibbetson, 1985: 88). It is this printed law that constitutes *The English Reports*.

Thus, *The English Reports* provides the single, most complete record of the judicial decisions and legal arguments that contributed to the development of English law from the mid-sixteenth century to the mid-nineteenth century. No doubt this is less true for the early part of this time period, but "After 1660, the reports appear to be reasonably full and reliable" (Bryson, 1985: 113).<sup>17</sup> Even in the earlier period, where the coverage in print was much more sporadic, the printed record served as the authoritative source in many situations and therefore the incomplete coverage in *The English Reports* is close to a complete record of those legal decisions that have actually come to influence law.<sup>18</sup> As stated in the report that actually spelled the death knell of the old system: "The judicial decisions of the Superior Courts at Westminster, as reported in the volumes recognised by the Courts, constitute at the present day, almost equally with the statute book, the law of the land. They are, to use the language of Sir Matthew Hale, 'the formal constituents of the common law'" (Report of a Special Committee on the Law reporting System, 1849, reprinted in Daniel 1884). These "volumes recognised by the Courts" became *The English Reports*. Thus, in some practical sense, the publishers of *The English Reports* were justified in viewing their publication as the "Complete Verbatim Re-issue of the Decisions of the English Courts prior to 1866."<sup>19</sup> While this statement is certainly unsatisfactory for legal historians, it is a reasonable approximation for a study like the present one, where we aim to provide a macroscopic overview of the development of the English law made by the courts.

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Pleas as a reason why they should depart from their long-standing practice. But the granting of authority to case reports carried with it a need to oversee, if not to regulate, the production of reports...By the middle of the seventeenth century printed law reports carried what amounted to a judicial imprimatur. Individuals might continue to take their own notes, but doing so became ever more distinct from the increasingly institutionalised practice of Law Reporting" (Ibbetson, 1985: 88).

<sup>17</sup> The change after 1660 seems even more marked for chancery reports than for those of the common-law courts (Veeder, 1901b).

<sup>18</sup> Baker (1981) remarks that it is the selection of printed cases, rather than rulings at large, which influenced the future. Ibbetson (1985: 85) notes: "In part, no doubt, the marked infrequency of citations from imprinted [i.e., manuscript] reports is attributable to the relative awkwardness of finding cases in manuscripts as compared to the printed books, which could be used in conjunction with easily manageable abridgements and indexes. In part, though, it must be attributed to the fact that manuscript reports were inherently less persuasive than those which were in print".

<sup>19</sup> See the beginning of the Index of Cases in Volume 177 of Renton (1900-1932).

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## **Appendix B: Corpus construction and preparation for statistical analysis**

The source of our data and the starting point for our corpus construction and processing was a digitized database of English Reports, obtained from Juta and Company (Pty) Ltd (English Reports (1260-1865), n.d.). The resultant database consists of 129,042 nominate reports of decisions rendered in the English courts of law between the early 13<sup>th</sup> century and the mid-19<sup>th</sup> century. Coverage in the early years is very incomplete, but by the mid-16<sup>th</sup> century the number of reports becomes substantial. From this database, we first eliminated 6,920 reports written exclusively or predominantly in Law French. We processed the remaining 122,122 reports in a series of stages as outlined below. All operations were carried out using Python programs written by the authors.

The non-standardized orthography that was common before the 18<sup>th</sup> century was converted into standard modern orthography using the database available with MorphAdorner (2013). For words common in older variants of English, this database contains translations between spelling variants and standardized spelling (e.g. rhetoricke becomes rhetoric or weeld becomes wield). In the process of constructing our corpus many corrections and additions were made to the database included with MorphAdorner, resulting in translations being available for 361,071 spelling variants.

Given standardized spelling, word inflections were removed by converting all words to their lexical roots, again beginning with databases available with MorphAdorner. Corrections and additions were made to these databases, resulting in the availability of translations between inflected words and lexical roots for 467,928 words. This step translated words into their standardized lexical roots for many non-standard spellings of inflected words that were not included in the database used at the first step of processing (e.g. wand'ring becomes wander and indowed becomes endow). It also removed inflections that are not standard in modern English (e.g. challengeth becomes challenge and replyde becomes reply). This processing step therefore increased the degree of standardization of spelling, as well as reduced the number of inflected words.

The next steps entailed the use of a comprehensive list of standard English spellings, names, abbreviations, and acronyms. The construction of this list initially relied on databases from Moby Word Lists (2002). With additions made during the processing of the corpus, the resultant word list contained 385,095 standard English words. If, at this stage, a word in the corpus matched a word in the English dictionary, then it was left in the corpus and omitted from all subsequent steps of this initial processing.

Some of the old law reporters used Latin, and when later editors/translators came to convert the reports into English they would leave some Latin in the documents when it seemed particularly appropriate. Other law reporters who wrote in English would occasionally use Latin phrases or quotations. Thus, a very large proportion of the words that did not match standard English ones were Latin words. Those words remaining in the corpus that were not in the English word list were then matched against a word list of 1,034,155 Latin spellings (including a large number of

inflections of Latin lexical roots). This Latin spelling list was obtained from Whitaker's Words (2006). Any word in the Latin spelling list, but not in the English word list, was stemmed using a programmed version of the Schinke Latin stemming algorithm (Schinke et al., 1996). Through stemming, the variant forms of a word were transformed into standard forms, giving the inflectionless form of a Latin word.

Once the Latin words in the corpus were in their standard forms, they were translated into English using a Latin-English dictionary. This dictionary relied initially on the database available at Whitaker's Words (2006). Then, if a word in the corpus was simultaneously not in the English word list, within the Latin word list, and not in the Latin words in this initial Latin-English dictionary, a program searched for the word in the online Lewis and Short Latin Dictionary (Perseus, n.d.). The Latin words and their online translations were then added to the original Latin-English dictionary. The resultant dictionary database contained 77,316 Latin to English translations. This database used only the stemmed versions of Latin words that were produced by the Schinke algorithm. Hence, the number of distinct Latin words that could be translated in this overall process was in the millions. The processing also included the conversion of all Roman numerals to Arabic numerals.

After this intensive processing of the texts, we carried out several diagnostics in order to discover words that had not been adequately dealt with in the preceding steps. These diagnostics led to the implementation of a set of bespoke corrections, relying on a database with more than 49,000 entries. This additional database had been constructed from the diagnostics obtained from several projects processing early English texts, including the current project. Therefore, only some of the database entries were derived specifically from the diagnostics for the database used in the current project. Moreover, many of the words in the database were simply inflections of Latin terms that had not been translated in the previous processing steps. (The Latin spelling used by judges and reporters before the 19<sup>th</sup> century was highly idiosyncratic.)

After implementing the above-described processing steps, we dropped an additional 1,224 processed reports designated as outliers. These outlier reports contained either an especially small number of words (fewer than 20) or an uncharacteristically high share of words (five percent or more) that could not be matched to any word in the English dictionary even after the processing. Topic modeling, our empirical method for analyzing the data, conceptualizes text documents (in our case, reports) as mixtures of topics. Therefore, dropping particularly short reports facilitates interpreting the topics by ensuring that the documents that heavily feature topics contain substantive information (and not simply a few meaningless words). (The short documents were almost entirely reports that only contained a date, court name, and the names of litigants.) Dropping documents with too many non-recognized words forestalls the possibility of obtaining topics that are not substantive and therefore not readily interpretable, but rather reflect idiosyncrasies of spelling, use of foreign of languages, etc. In general, exclusion of processed reports containing a comparatively large share of words not contained in the English dictionary ensures a high degree

of orthographic standardization and Latin translation across the corpus. This also minimizes the impact of OCR errors.

Prior to the statistical analysis, we examined the corpus for the overall quality of the initial processing outlined above. To this end, we computationally examined each of the processed corpus documents, additionally purged of punctuation, for the presence of non-numeric strings that could not be matched to any word in the English dictionary (see above). Any strings of this type that could not be matched would be non-translated foreign words (especially Latin or Law-French), unusual English names (which abounded at that time before any efforts at standardization of names e.g. Etheridg, Elsfrigue, Ethericke, etc), or character strings indicative of OCR problems.

We then constructed diagnostics for the subset of 52,949 reports used in the analysis, that is those reports on cases heard before 1765. A comparison of each non-numeric character string in the 52,949 reports to the list of words in the English dictionary indicated a negligible presence of non-matched strings. The percentage of all such strings in the 52,949 reports that was not matched was 1.77 percent. Given the many ways in which legitimate words might not find a match in the English dictionary, this is evidence, first, that our processing was successful at standardizing the variants of English orthography across the corpus and, second, that any OCR issues should not be a concern for our analysis.

Upon associating reports with metadata, the ensuing corpus was imported into R and further processed using the standard procedures as described in the application of STM.

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## Appendix C: The Structural Topic Model (STM)

### *The data generating process*

The data generating process of the STM (see Roberts et al., 2014, 2016a, 2019) has the following general structure.<sup>20</sup> The corpus consists of  $D$  documents indexed by  $d$ . A document,  $d$ , is viewed as a collection of  $N_d$  initially empty positions, each of which is to be filled with a word. The first step in the process of filling a position involves a choice of a topic,  $k$ , from a fixed number of available topics,  $K$ . That step uses a  $K$ -dimensional vector of the parameters of a distribution that generates one of the topics  $k \in \{1, \dots, K\}$  for each position in the document. This is the topic-prevalence vector, which lists the probabilities that each of the  $K$  topics will be assigned to an empty position. Then, given the chosen topic,  $k$ , a word is chosen from a corpus-level vocabulary, the elements of which are indexed by  $v \in \{1, \dots, V\}$ . This word choice is determined by a topic-specific  $V$ -dimensional vector specifying the probabilities that each element of the vocabulary will be chosen to fill an empty position given that topic.<sup>21</sup>

Early versions of topic models viewed the topic-prevalence vector as drawn from the same distribution for all documents. In STM, however, the topic-prevalence vector is a function of variables characterizing documents, referred to as metadata (to be distinguished from the text that constitutes the corpus). Incorporation of document-level variables improves the identification of topics and allows the researcher to estimate the relationship between topic prevalence and document characteristics (Roberts et al., 2014).

The process of filling a word-position in a document can now be described in more formal terms. The generation of a document-specific topic-prevalence vector uses the metadata. Let the metadata be given by a matrix  $\mathbf{X}$ , each row (denoted  $\mathbf{x}_d$ ) listing the values of all metadata covariates for document  $d$ . Then, the topic-prevalence vector for document  $d$ ,  $\boldsymbol{\theta}_d$ , is drawn from a logistic-normal distribution with parameters that are a function of the covariate values:

$$\boldsymbol{\theta}_d \sim \text{LogisticNormal}(\boldsymbol{\Gamma}\mathbf{x}'_d, \boldsymbol{\Sigma}). \quad (\text{C.1})$$

$\boldsymbol{\Gamma}$  is a matrix of coefficients relating covariate values to mean topic-prevalence.  $\boldsymbol{\Sigma}$  is a general variance-covariance matrix that allows for the possibility of non-zero correlations across documents in topic-prevalence vectors. Given a topic-prevalence vector, one specific topic,  $z_{dn}$ , is associated with empty position  $n \in \{1, \dots, N_d\}$  in document  $d$  through the following process:

$$z_{dn} \sim \text{Multinomial}(\boldsymbol{\theta}_d), \quad (\text{C.2})$$

where the  $k^{\text{th}}$  element of  $z_{dn}$  is unity and all other elements are zero when topic  $k$  is chosen.

The choice of a specific vocabulary word,  $v$ , is modeled as a function of two parameters: one capturing the baseline importance of that word across all documents,  $m_v$ , and one capturing the

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<sup>20</sup> Our exposition of the STM here closely follows the exposition in Grajzl and Murrell (2019).

<sup>21</sup> These probabilities can also be allowed to vary in a systematic way across documents. We do not use this feature of STM.

importance of the word given the topic  $k$ ,  $\kappa_{kv}$ . Transforming the sum of these two parameters into probabilities for use in a multinomial distribution via a logistic transformation, one obtains:

$$\beta_{dkv}|z_{dn} \propto \exp(m_v + \kappa_{kv}), \quad (\text{C.3})$$

where  $\beta_{dkv}$  is the probability of choosing vocabulary word  $v$  to fill a position in document  $d$  given topic  $k$ . Then a specific word,  $w_{dn}$ , is chosen from the overall corpus vocabulary to fill position  $n$  in document  $d$ , as follows:

$$w_{dn} \sim \text{Multinomial}(\beta_{dk1}, \dots, \beta_{dkV}). \quad (\text{C.4})$$

### *Estimation and output*

The data to be used in estimation are the metadata matrix,  $\mathbf{X}$ , and all words in all documents,  $w_{dn}$ , where  $n = 1, \dots, N_d$  and  $d = 1, \dots, D$ . Given these data, one estimates  $\Gamma$ ,  $\theta_d$ ,  $m_v$ ,  $\kappa_{kv}$ , and  $\beta_{dkv}$  by maximizing the posterior likelihood that the observed data were generated via the above data-generating process. Computationally, the maximization problem is solved using an iterative approximation-based, variational expectation-maximization algorithm available in R's `stm` package (Roberts et al., 2016a, 2019). To address problems due to non-convexity, we rely on the spectral initialization approach advocated by Roberts et al. (2019, 2016b).

The key output of the  $K$ -topic STM are, first and foremost, the  $K$  topics, conceptualized as probability distributions over corpus vocabulary and reflecting the estimates of  $\beta_{dkv}$  for each  $k \in \{1, \dots, K\}$ . STM output also includes the estimated document-level topical prevalence, reflecting the estimates of  $\theta_d$  for each document  $d \in \{1, \dots, D\}$ . Sets of both of these estimates are very useful when identifying and naming the topics. If a researcher is interested in examining overlaps in the usage of words within specified topic pairs, the estimates of  $\beta_{dkv}$  can be deployed. STM also produces a matrix of document-level topic correlations, reflecting the estimate of  $\theta_d' \theta_d$ .

### *Analysis of the effect of metadata covariates on topical prevalence*

The distinguishing feature of the STM vis-à-vis earlier topic models is the complete integration of metadata within the core estimation of parameters, an approach that facilitates analysis of the effects of metadata covariates on document-level topical prevalence. Analytically, the post-estimation analysis of these effects proceeds as follows. Upon estimating the  $K$ -topic STM, one uses the relationship between document-level topical prevalence, reflecting the estimates of  $\theta_d$ , and metadata covariates, stacked in matrix  $\mathbf{X}$ , thereby obtaining estimates of the pertinent column of  $\Gamma$ . To estimate the resulting regressions featuring the STM-estimated document-level proportions devoted to a topic as the dependent variable and metadata covariates as explanatory variables, one uses the `estimateEffect` function available in R's `stm` package (see Roberts et al., 2019). A useful summary of results is a plot of mean differences in estimated topic proportions for different values of pertinent covariates, sometimes further conditioning the resulting differences on additional covariate values. When the focal metadata covariate is time, an important summary of results is a plot of estimated topic proportions over time.

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## Appendix D: The 100 topics and their key words

### Topic 1: Identifying Contractual Breach

Highest Prob: coven, assign, breach, indentur, tender, assigne, perform, shall, parti, enjoy, word, lesse, assur, lessor, accept, express, break, land, accord, make, show, well, part, certain, without, agre, thing, priviti, law, refus

Score: coven, assign, indentur, breach, assigne, tender, lesse, lessor, perform, covenantor, enjoy, covenante, assur, evict, demis, word, nonpay, accept, priviti, proviso, assignor, articl, break, quiet, demurr, land, aver, uncor, donnithorn, eni

### Topic 2: Royal Patents & Tenures

Highest Prob: king, grant, patent, queen, crown, letter, case, say, land, shall, make, pass, prerog, edward, henri, find, subject, can, recit, may, void, without, exchequ, thing, word, hold, record, seal, charter, also

Score: patent, king, grant, crown, queen, prerog, patente, duchi, charter, letter, letterspat, land, attaind, inquisit, treason, henri, manor, successor, record, majesti, treasur, attaint, intrus, revenu, pardon, reign, escheat, seal, hardr, tenur

### Topic 3: Equitable Relief

Highest Prob: case, equiti, rep, chan, will, vern, lord, abridg, can, per, abr, vide, decre, ibidem, mich, though, hill, say, trin, shall, prec, talbot, geo, yet, roll, note, hold, vin, ann, east

Score: chan, equiti, vern, abridg, decre, prec, rep, ibidem, abr, mich, vide, vin, trin, yellow, lord, talbot, case, per, geo, freem, econt, pale, macclesfield, honour, bunb, lordship, hill, east, anon, jekyl

### Topic 4: Self-Help in Real-Property Disputes

Highest Prob: aforesaid, say, john, day, appurten, queen, thereof, ladi, year, tenement, thoma, william, late, upon, counti, form, reign, come, robert, within, now, law, acr, court, richard, saint, time, manor, justic, premis

Score: aforesaid, appurten, ladi, queen, john, tenement, acr, juror, manor, reign, thoma, pastur, day, messag, abovesaid, demesn, counti, premis, robert, heir, bushopp, beget, seiz, melcum, feast, westminst, damag, year, trespass, archangel

### Topic 5: Common-Land Disputes

Highest Prob: common, cattl, land, replevin, take, acr, distress, prescript, say, may, distrain, avow, avowri, place, can, pastur, bailiff, beast, seiz, lord, call, time, forest, sheep, prescrib, right, put, soil, parcel, park

Score: cattl, replevin, avowri, prescript, acr, couchant, levant, distrain, pastur, avow, distress, beast, common, sheep, soil, land, pheasant, impound, appurten, damagefeas, bailiff, forest, enclosur, enclos, grass, chase, append, meadow, seiz, cow

### Topic 6: Execution & Administration of Estates

Highest Prob: executor, administr, testat, debt, die, asset, intest, will, death, shall, may, make, executrix, grant, can, sue, law, administ, hand, take, prove, administratrix, commit, right, letter, ordinari, devastavit, good, lifetim, first

Score: executor, administr, testat, asset, intest, debt, devastavit, executrix, administratrix, probat, administ, plene, die, death, executorship, testament, sue, lifetim, inventori, debtor, deceas, surviv, tort, ordinari, commit, coexecutor, manag, grant, other, yope

### Topic 7: Dignitaries

Highest Prob: lord, earl, william, peer, ladi, duke, charl, late, countess, honour, sequestr, duchess, great, upon, cowper, say, derbi, also, order, marqu, will, make, gerrard, reason, grey, take, lordship, howard, counsel, sever

Score: earl, peer, duke, ladi, sequestr, countess, lord, william, duchess, charl, honour, marqu, dowag, cowper, gerrard, sequest, lordship, derbi, famili, henrietta, howard, albemarl, petworth, chancellor, wightwick, vane, arundel, stanley, marlborough, northumberland

### Topic 8: Vesey Footnotes

Highest Prob: case, ves, see, lord, vide, wms, atk, note, post, reg, bro, lib, versus, ant, cite, fol, vol, vernon, rep, can, also, ibidem, seem, ambler, hold, smith, must, state, though, appear

Score: ves, atk, wms, reg, vernon, ambler, amb, bro, lib, versus, fol, vide, vern, vol, ibidem, case, sup, post, sch, pre, lord, ant, jun, chancellor, eldon, hardwick, note, cite, freeman, anon

### Topic 9: Revocation

Highest Prob: deed, will, power, make, write, execut, revoc, seal, declar, revok, appoint, use, wit, shall, may, sign, first, presenc, last, attest, intent, void, oper, former, new, parti, time, afterward, three, without

Score: deed, revoc, revok, codicil, write, power, attest, wit, execut, seal, presenc, sign, will, subscrib, enrol, appoint, parol, oper, convey, benthal, instrument, declar, republ, simon, fraud, cancel, credibl, sheet, releas, counterpart

**Topic 10: Executable Purchase Agreements**

Highest Prob: purchas, notic, consider, fraud, convey, set, make, asid, valuabl, fraudul, voluntari, without, obtain, know, take, circumst, estat, sell, appear, get, upon, reliev, time, though, affect, yet, great, proof, equiti, give

Score: purchas, fraud, convey, fraudul, asid, notic, valuabl, consider, purchasemoney, imposit, vendor, reliev, voluntari, transact, sell, set, estat, equiti, neve, conceal, leasehold, fide, agent, reconvey, sale, obtain, deed, halh, vende, buy

**Topic 11: Keble Reporting**

Highest Prob: kebl, per, case, curian, contra, car, agre, also, twisden, may, ant, pro, adjournatur, can, judgement, levinz, must, conceiv, jone, say, cap, though, well, yet, windham, will, court, pray, ill, keel

Score: kebl, adjournatur, twisden, comberbach, hub, levinz, curian, siderf, keel, windham, car, livr, albeit, cap, contra, per, rot, polyxphen, sur, nisi, allocatur, pro, conceiv, estopl, ant, wile, twysden, leond, raynsford, moreton

**Topic 12: Prohibiting Jurisdiction**

Highest Prob: court, prohibit, grant, spiritu, suit, jurisdict, sentenc, ecclesiast, libel, suggest, case, proceed, caus, upon, appeal, will, sue, matter, pray, may, commonlaw, judg, ordinari, parti, deni, lie, consult, excommun, can, refus

Score: prohibit, spiritu, libel, jurisdict, ecclesiast, sentenc, dioces, excommun, grant, court, admiralti, suggest, appeal, suit, probat, arch, deleg, proceed, sue, archbishop, consistori, consult, ordinari, commonlaw, archdeacon, citat, commissari, alimoni, significavit, tempor

**Topic 13: Statute Applicability**

Highest Prob: statut, within, commonlaw, shall, extend, cap, upon, elizabeth, take, stat, give, jame, car, edward, may, yet, law, case, remedi, extent, limit, make, say, void, hold, penal, form, penalti, provid, word

Score: statut, cap, commonlaw, within, stat, extend, penal, extent, elizabeth, elegit, penalti, car, limit, remedi, enact, stapl, jame, recogniz, edward, westminst, mischief, liber, void, repeal, shall, form, word, griev, preamb, acknowledg

**Topic 14: Disentangling Heirs**

Highest Prob: son, father, daughter, die, heir, old, young, issu, shall, death, mother, brother, male, grandfath, without, life, second, descend, elder, leav, robert, first, sister, afterward, jane, bodi, name, wife, enter, year

Score: son, father, daughter, heir, mother, male, young, grandfath, die, brother, issu, sister, old, death, elder, descend, grandson, jane, wife, life, katherin, martha, uncl, robert, mervyn, lifetim, alic, surviv, marri, femal

**Topic 15: Municipal Charters**

Highest Prob: elect, corpor, mayor, mandamus, burgess, borough, alderman, charter, choos, return, shall, town, offic, king, swear, right, person, power, bailiff, quo, warranto, grant, caus, say, remov, vote, hold, may, major, restor

Score: mandamus, mayor, corpor, alderman, burgess, elect, borough, charter, warranto, vote, offic, amot, franchis, bylaw, disfranchis, return, swear, commonalti, choos, town, member, commoncouncil, portmen, inhabit, summon, bailiff, oath, usurp, assembl, quo

**Topic 16: Modern Reporting**

Highest Prob: case, holt, mod, modern, justic, salk, cro, will, chief, see, per, lev, rep, vide, raymond, must, keb, can, though, raym, may, side, report, ver, vent, hold, ray, salkeld, stram, carth

Score: modern, holt, mod, cro, salk, salkeld, keb, lev, raymond, ver, raym, shower, justic, anonym, stram, carth, burr, ray, chief, vent, carthew, vide, rep, danv, case, comb, lutw, str, per, comen

**Topic 17: Actionable Defamation**

Highest Prob: word, action, speak, say, case, lie, judgement, will, thou, arrest, slander, scandal, man, fals, move, intend, art, innuendo, plaintiff, court, call, justic, libel, mean, adjudg, one, steal, aver, charg, verdict

Score: word, innuendo, slander, action, scandal, libel, thou, arrest, speak, knave, thief, whore, steal, rogu, forswear, witch, defam, colloquium, rascal, pox, malici, perjur, art, feloni, fals, cozen, verdict, bewitch, cheat, forg

**Topic 18: Length & Expiry of Leases**

Highest Prob: leas, year, make, lesse, life, demis, void, shall, interest, revers, lessor, determin, grant, land, power, occup, commenc, possess, renew, begin, estat, premis, new, death, three, indentur, case, good, will, long

Score: leas, lesse, demis, year, lessor, renew, occup, life, habendum, indentur, surrend, twentyon, revers, vie, interest, premis, possess, chapter, estat, ninetynin, void, dean, expir, bridgman, make, commenc, land, estoppel, power, grant

**Topic 19: Repaying Debt**

Highest Prob: pay, money, payment, account, sum, receiv, shall, interest, due, time, secur, upon, demand, hand, allow, princip, much, receipt, charg, discharg, accord, till, certain, amount, take, lend, state, come, make, becom

Score: money, pay, payment, sum, account, interest, due, receiv, secur, receipt, demand, repay, lend, payabl, balanc, comput, allow, princip, discharg, hand, disburs, borrow, shall, indebt, deduct, refund, discount, time, expend, instal



**Topic 20: Equity Jurisdiction**

Highest Prob: court, chanceri, case, law, equiti, will, preced, lord, keeper, reliev, report, upon, chancellor, can, relief, now, injunct, car, contra, yet, remedi, order, hear, proceed, assist, practic, compel, great, counsel, stay

Score: chanceri, equiti, injunct, reliev, keeper, chancellor, court, relief, law, preced, anonym, subpna, caryi, contempt, case, lord, car, report, cancellar, assist, remedi, proceed, conscienc, contra, stay, sue, porter, practic, order, mew

**Topic 21: Multiparty Cases**

Highest Prob: john, mari, elizabeth, say, jame, saint, date, premis, june, wilson, ann, samuel, georg, joseph, philip, juli, mention, novemb, decemb, sarah, bench, march, octob, declar, smith, april, margaret, upon, robert, opinion

Score: mari, john, sarah, wilson, elizabeth, joseph, premis, samuel, date, jame, rebecca, nathaniel, philip, margaret, georg, susan, june, ann, wallwyn, saint, boreham, julian, benjamin, catherin, decemb, susanna, eleanor, bench, jonathan, serjeant

**Topic 22: Assumpsit**

Highest Prob: promis, assumpsit, consider, declar, non, say, will, upon, request, judgement, alleg, show, arrest, croak, pay, intend, aver, move, verdict, case, jame, suffici, indebitatus, make, allocatur, wherea, car, find, give, adjudg

Score: assumpsit, promis, indebitatus, croak, arrest, consider, request, allocatur, verdict, forbear, non, assum, indebt, aver, declar, pay, alleg, count, move, debt, judgement, cro, car, computasset, cowp, qubd, plaintiff, dougl, jame, sex

**Topic 23: Indicting for Murder**

Highest Prob: inform, kill, murder, upon, person, man, one, give, prison, come, kelyng, find, case, will, say, hous, make, strike, fact, malic, take, judg, guilti, king, death, manslaughter, draw, anoth, break, time

Score: inform, murder, kill, manslaughter, malic, prison, kelyng, provoc, assault, prepens, stab, sword, stroke, onebi, weapon, burglari, arn, wound, mawgridg, poison, fight, percussi, mortal, night, clergi, strike, wilk, crimin, unlaw, cudgel

**Topic 24: Mortgages**

Highest Prob: mortgag, mortgage, interest, redempt, equiti, redeem, shall, mortgagor, assign, secur, heir, money, premis, encumbr, land, decre, make, estat, upon, princip, case, can, take, may, lend, afterward, foreclos, first, prior, without

Score: mortgag, mortgage, mortgagor, redempt, redeem, foreclosur, equiti, encumbr, decre, encumbranc, heir, interest, foreclos, money, litton, secur, reconvey, premis, mortgagemoney, assign, estat, lend, master, borrow, purchas, dowress, inherit, land, stride, lytton

**Topic 25: Regulating Commerce**

Highest Prob: custom, london, citi, shall, duti, wine, freeman, make, citizen, mayor, upon, common, accord, everi, measur, foreign, within, take, chamberlain, merchant, may, import, time, ware, law, alderman, place, reason, also, use

Score: custom, citi, london, wine, prisag, citizen, mayor, freeman, alderman, hust, commonalti, subsidi, orphan, gallon, merchant, communiti, merchandis, unladen, duti, tun, raisin, hanger, ordin, foreign, tavern, retail, port, measur, impost, quart

**Topic 26: Non-Translated Latin**

Highest Prob: quod, per, predict, pro, say, pillag, non, self, well, king, cum, die, svan, ind, speech, super, men, domini, dawn, form, send, idem, suum, come, year, curian, tempor, england, judgment, sive

Score: predict, pillag, quod, prd, johann, domini, svan, men, adtunc, super, speech, seu, sive, breve, dawn, eiden, ind, communiti, ips, judgment, johan, superius, suum, per, nec, hic, nest, und, pro, hoc

**Topic 27: Rights of Married Women**

Highest Prob: wife, husband, feme, dower, marriag, woman, marri, shall, die, case, death, separ, widow, take, baron, covert, sole, right, surviv, may, make, covertur, join, without, life, live, alon, afterward, can, courtesi

Score: husband, wife, feme, dower, marriag, marri, woman, covert, covertur, surviv, widow, separ, courtesi, divorc, cohabit, baron, death, sola, alimoni, die, elop, endow, pinmoney, dumb, join, intermarriag, life, sole, survivor, executrix

**Topic 28: Procedural Bills**

Highest Prob: bill, decre, answer, bring, order, caus, dismiss, make, account, may, hear, parti, court, report, suit, chancellor, insist, allow, put, lord, discoveri, pray, matter, demurr, former, come, exhibit, proceed, can, set

Score: decre, bill, discoveri, dismiss, injunct, review, chancellor, rehear, order, demurr, revivor, master, answer, cost, account, file, exhibit, bring, insist, suit, lordship, caus, proceed, hear, enrol, bunburi, subpoena, discov, appeal, relief

**Topic 29: Equitable Waste**

Highest Prob: tempt, hardwick, wast, west, lord, timber, foe, court, dicken, injunct, cotton, ridgeway, may, will, commit, entitl, without, direct, part, dig, upon, coal, restrain, cut, impeach, see, grant, open, order, tenant

Score: hardwick, tempt, wast, ridgeway, dicken, timber, injunct, west, notebook, pulteney, algernon, foe, cotton, cut, newland, dig, bute, colbi, mew, collieri, atk, lord, bland, commit, tenant, philadelphia, coal, canford, priscilla, bubb

**Topic 30: Arbitration & Umpires**

Highest Prob: award, make, arbitr, shall, parti, submiss, attach, perform, matter, void, day, releas, good, submit, suit, deliv, refer, umpir, arbitra, may, set, court, stand, time, say, controversi, debt, thing, part, determin

Score: award, arbitr, umpir, submiss, umpirag, arbitra, attach, releas, perform, submit, garnishe, dubarri, breach, derutt, controversi, void, robinet, parti, debt, mariett, mutual, hingen, ruitter, make, hurnard, suit, mee, final, day, matter

**Topic 31: Interacting in Court**

Highest Prob: plaintiff, defend, therefor, declar, appear, now, thereof, insist, make, wherebi, whereupon, thereupon, counsel, upon, court, foe, afterward, hall, deliv, brown, accord, whereof, therebi, sinc, baker, tothil, smith, procur, wherein, contra

Score: plaintiff, defend, declar, tothil, insist, foe, appear, whereupon, therefor, thereupon, counsel, wherebi, heyman, thereof, billet, baker, procur, cuss, now, hall, car, whereto, deliv, contra, tiff, plaintiffi, deiti, nelson, isaiah, vivean

**Topic 32 Top Words: Nuisance**

Highest Prob: hous, repair, build, way, mill, erect, use, nuisanc, lie, say, may, water, highway, inhabit, land, toll, ground, bridg, new, messag, prescript, ancient, river, can, market, town, owner, place, stop, pass

Score: repair, nuisanc, hous, highway, build, erect, toll, prescript, inhabit, watercours, mill, water, river, pew, grind, soil, market, occupi, messag, easement, road, wharf, rebuild, chancel, adjoin, bridg, ferri, window, owner, stallag

**Topic 33: Transfer of Ownership Rights**

Highest Prob: grant, shall, make, condit, feoff, revers, case, land, lesse, life, grante, pass, can, tenant, lessor, estat, liveri, die, fee, afterward, attorn, man, may, enter, seiz, law, deed, yet, take, upon

Score: feoff, lesse, lessor, condit, attorn, grante, grant, liveri, habendum, revers, tenant, deed, acr, grantor, estat, seiz, land, life, fee, disseize, jointten, reenter, signiori, releas, bargain, reentri, bargaine, extinct, termor, enrol

**Topic 34: Procedural Rulings on Writs**

Highest Prob: return, writ, sheriff, execut, take, process, appear, may, facia, make, day, upon, sue, parti, capia, issu, shall, court, direct, can, testa, summon, becom, deliv, attach, know, hand, warrant, die, non

Score: sheriff, writ, return, capia, facia, process, execut, testa, latitat, supersede, elegit, summon, sue, dstringa, pledg, inquisit, withernam, essoim, attach, coron, undersheriff, sunday, day, pluri, issu, bailbond, testatum, utlagatum, exig, replegiando

**Topic 35: Negotiable Bills and Notes**

Highest Prob: bill, note, accept, endors, exchange, merchant, upon, payabl, drawer, draw, order, person, give, make, promissori, bank, factor, money, demand, custom, evan, protest, may, endorse, receiv, hand, goldsmith, name, use, liabl

Score: bill, exchange, endors, drawer, endorse, promissori, merchant, factor, acceptor, endorser, note, payabl, negoti, bearer, drawe, accept, inland, custom, paye, goldsmith, protest, cashier, money, cash, banker, trade, monnier, bank, ticket, tivil

**Topic 36: Estate Tail**

Highest Prob: heir, word, bodi, estat, male, issu, limit, take, life, case, intent, will, shall, remaind, son, construct, give, without, law, express, testat, first, say, make, estatetail, tail, intend, beget, implic, purchas

Score: male, heir, estatetail, estat, word, remaind, testat, bodi, tail, son, issu, limit, beget, life, construct, durdant, devis, nephew, purchas, intent, deceas, mell, pollexfen, implic, sister, daughter, femal, constru, lessor, wife

**Topic 37: Timing of Property Rights**

Highest Prob: estat, remaind, tail, life, tenant, recoveri, fee, issu, revers, suffer, bar, common, entail, first, can, case, convey, freehold, may, will, estatetail, destroy, determin, inherit, limit, heir, particular, preserv, upon, right

Score: tail, remaind, estat, tenant, life, recoveri, estatetail, entail, fee, remainderman, revers, issu, male, convey, inherit, feesimpl, freehold, bar, vouche, suffer, praecip, heir, conting, discontinu, recoveror, settlement, dorm, reversion, limit, forfeitur

**Topic 38: Pleadings on Debt**

Highest Prob: say, aforesaid, lord, thoma, king, richard, william, wit, day, john, year, thereof, now, counti, law, accord, court, form, also, manner, mention, premis, thereupon, afterward, well, pray, certain, sander, time, next

Score: say, aforesaid, wit, thoma, john, counti, richard, william, lord, king, premis, sander, day, wms, parish, year, verifi, rodbard, reign, england, osbaldeston, westminst, alexand, yarway, attorney, plea, samuel, jeffreson, obligatori, behalf

**Topic 39: Specifying Inherited Property Rights**

Highest Prob: devis, land, will, heir, estat, shall, pass, fee, word, testat, devise, make, intent, give, law, devisor, man, take, seiz, question, life, tenement, die, hous, dispos, hold, purchas, inherit, whether, descend

Score: devis, land, devise, heir, devisor, testat, estat, fee, word, feesimpl, will, tenement, pass, seiz, purchas, heredita, descend, inherit, descent, messag, wife, dispos, bequeath, intent, life, chattel, disinherit, gavelkind, revers, claus

**Topic 40: Correct Pleas**

Highest Prob: plead, plea, demurr, show, bar, travers, matter, issu, defend, general, judgement, alleg, repli, replic, without, aver, abat, set, forth, may, upon, court, answer, take, say, special, confess, join, conclud, give

Score: plead, plea, demurr, travers, replic, imparl, abat, rejoind, issu, replead, repli, hoc, oyer, bar, aver, defend, matter, rejoin, alleg, show, join, nil, forth, confess, judgement, verifi, general, discontinu, profert, departur

**Topic 41: Evidence Gathering & Admissibility**

Highest Prob: evid, wit, prove, examin, read, swear, oath, upon, proof, give, admit, produc, may, court, deposit, will, fact, can, copi, take, answer, offer, allow, suffici, parti, matter, counsel, trial, person, caus

Score: wit, evid, examin, oath, swear, deposit, prove, interrogatori, proof, read, perjuri, testimoni, copi, trial, produc, affidavit, crossexamin, admit, quaker, fact, offer, public, admiss, depos, viva, credit, credibl, forg, suppress, reexamin

**Topic 42: Implementing Ambiguous Wills**

Highest Prob: legaci, will, testat, give, executor, person, estat, legate, make, shall, devis, residu, death, codicil, word, surplus, intent, residuari, intend, real, executrix, bequest, take, testatrix, bequeath, decre, say, annuiti, stock, direct

Score: legaci, testat, legate, codicil, devis, executor, residuari, testatrix, bequest, surplus, estat, bequeath, executrix, adempt, decre, residu, stock, niec, furnitur, specif, leasehold, annuiti, nephew, will, give, death, plate, fund, gift, paraphernalia

**Topic 43: Employment of Apprentices & Servants**

Highest Prob: master, servant, servic, serv, apprentic, wage, work, retain, employ, discharg, take, shall, gibbon, absenc, busi, receiv, appear, without, send, soldier, apprenticeship, labour, seaman, marin, leav, suffici, refer, put, may, depart

Score: master, apprentic, servant, wage, servic, serv, apprenticeship, gibbon, employ, seaman, work, ambassador, soldier, retain, husbandri, marin, discharg, fitzgibbon, hire, embezzl, absenc, menial, salari, busi, domest, entic, mistress, danzig, seduc, listen

**Topic 44: Implementing Trusts**

Highest Prob: trust, truste, estat, use, profit, shall, will, declar, convey, direct, appoint, legal, person, chariti, benefit, decre, heir, purchas, dispos, purpos, sell, say, interest, sale, name, execut, beneficiari, power, inherit, assign

Score: truste, trust, estat, chariti, profit, decre, convey, charit, beneficiari, purchas, heir, use, sale, sell, surplus, inherit, result, appoint, dispos, equiti, legal, mortmain, trustest, declar, attorneygener, interest, equit, vest, rais, premis

**Topic 45: Rights of Public Office**

Highest Prob: parliament, privileg, lord, judg, baron, common, king, hous, justic, chief, bench, exchequ, great, person, knight, sit, law, allow, determin, member, sergeant, seal, plea, opinion, time, shall, council, fortescu, case, matter

Score: privileg, parliament, baron, member, bench, prorog, judg, digniti, lord, hous, chief, baroni, king, peerag, justic, common, writ, fortescu, knight, majesti, exchequ, plea, council, earldom, banburi, seal, petit, sit, arrest, prorogu

**Topic 46: Manorial Tenures**

Highest Prob: manor, copyhold, surrend, lord, custom, tenant, land, hold, estat, court, may, admit, parcel, freehold, grant, admitt, copi, servic, make, forfeitur, will, demesn, tenur, can, customari, accord, seiz, shall, tenement, say

Score: copyhold, manor, surrend, custom, tenant, admitt, demesn, estat, customari, lord, heriot, tenur, cop, land, surrende, copi, homag, servic, freehold, forfeitur, parcel, tenement, steward, copihold, fealti, courtrol, seiz, northkelsey, grant, watk

**Topic 47: Elizabethan Land Cases**

Highest Prob: elizabeth, case, shall, say, upon, dyer, although, croak, leonard, adjudg, hold, opinion, justic, queen, afterward, also, see, land, wherefor, common, popham, one, bench, move, plead, mich, yet, anderson, matter, gawdi

Score: croak, elizabeth, leonard, gawdi, dyer, fenner, queen, gouldsbrough, clenck, popham, between, len, manwood, periam, rot, wray, bench, anderson, mich, roherth, land, plead, tanfield, case, adjudg, wherefor, move, cro, justic, peryam

**Topic 48: Governance of Private Organizations**

Highest Prob: colleg, visitor, power, bishop, univers, fellow, hospit, visit, shall, scholar, give, make, corpor, founder, master, depriv, doctor, foundat, governor, statut, rector, appoint, without, appeal, caus, time, say, author, one, may

Score: visitor, colleg, scholar, visitatori, founder, fellow, hospit, univers, visit, fellowship, rector, bishop, mandamus, censor, corpor, keton, governor, master, groenvelt, vicechancellor, bentley, physician, school, collegium, schoolmast, chariti, jurisdict, power, subrector, cambridg

**Topic 49: Trespass to Goods**

Highest Prob: trespass, take, justifi, close, break, away, guilti, assault, way, batteri, justif, carri, arm, judgement, arrest, damag, declar, may, piec, can, space, imprison, say, quar, enter, enclos, fish, place, hand, anoth

Score: trespass, assault, batteri, justif, continuando, arrest, justifi, quar, damag, close, dog, imprison, arm, wound, guilti, enclos, break, grass, piec, fish, svan, beat, space, other, piscaria, mastiff, pisc, kill, calm, decoy

**Topic 50: Possession & Title**

Highest Prob: possess, titl, seiz, right, eject, enter, claim, entri, tenant, law, can, profit, without, actual, may, demis, upon, lessor, enjoy, recov, bring, land, continu, person, freehold, question, will, premis, virtu, wrong

Score: possess, eject, titl, seiz, entri, claim, right, tenant, lessor, enter, demis, ejector, profit, enjoy, ouster, premis, actual, freehold, quiet, landlord, casual, recov, mesn, land, tenement, lewi, oust, wrong, gain, tortuous

**Topic 51: Daughters' Legacies**

Highest Prob: marriag, daughter, portion, marri, rais, shall, consent, case, condit, mainten, without, twentyon, mother, upon, age, give, payabl, time, say, will, interest, father, settlement, till, provid, becom, die, vest, can, pay

Score: portion, marriag, daughter, marri, rais, twentyon, settlement, mother, condit, age, payabl, mainten, consent, father, truste, child, decre, vern, parent, attain, unmarri, ladi, vest, legaci, sink, fortun, match, aston, lifetim, mrs

**Topic 52: Uses**

Highest Prob: use, heir, feoff, seiz, land, shall, estat, fee, make, convey, warranti, case, limit, say, consider, stand, die, bodi, right, execut, descend, bargain, can, law, life, gift, feesimpl, without, commonlaw, intent

Score: feoff, heir, seiz, warranti, use, estat, convey, land, fee, feesimpl, bargain, tail, descend, beneficiari, indentur, covenantor, limit, descent, donor, liveri, deed, gift, done, beget, remaind, consider, releas, bodi, wardship, blood

**Topic 53: Wrongful Possession**

Highest Prob: good, sell, sale, deliv, properti, trover, take, valu, deliveri, use, convers, may, chattel, thing, can, price, hand, convert, parker, hold, yet, seizur, author, buy, find, come, case, person, without, afterward

Score: good, trover, sell, sale, properti, convers, deliveri, chattel, seizur, deliv, valu, vende, apprais, convert, detinu, buyer, price, buy, catalla, drawback, parker, use, dispos, reland, owner, debentur, bailment, pledg, barbari, kirwood

**Topic 54: Rental Payments**

Highest Prob: rend, reserv, land, year, arrear, pay, demand, tenant, due, render, demis, feast, shall, distress, hold, charg, say, rentcharg, profit, annuiti, payabl, annual, distrain, annum, farm, payment, let, half, ancient, landlord

Score: rend, arrear, reserv, land, feast, demis, rentcharg, tenant, landlord, distrain, lessor, payabl, distress, year, annunci, arrearag, pay, annual, annuiti, farm, reentri, annum, ladyday, apportion, render, due, quarter, feefarm, demand, avowri

**Topic 55: Clarifying Legislative Acts**

Highest Prob: act, word, person, shall, make, parliament, claus, general, intent, construct, power, give, mean, express, everi, burrow, within, time, particular, intend, therefor, take, mention, enact, provid, constru, benefit, law, proviso, manner

Score: act, parliament, word, burrow, claus, construct, enact, proviso, legislatur, power, intent, person, constru, preambl, section, restrain, repeal, exempt, general, pitsligo, provis, within, penalti, sens, extend, vest, shall, express, particular, make

**Topic 56: Reviewing Local Orders**

Highest Prob: order, justic, session, make, quash, poor, king, rate, peac, appear, appeal, churchwarden, upon, say, remov, two, overs, certiorari, inhabit, court, may, set, parish, power, shall, counti, charg, complaint, jurisdict, except

Score: quash, session, churchwarden, overs, certiorari, order, poor, rate, justic, peac, quartersess, parishion, inhabit, appeal, vestri, parish, jurisdict, summon, assess, remov, bastardi, tax, complaint, king, alehous, sewer, counti, adjud, quorum, quarter

**Topic 57: Jury Procedures & Trials**

Highest Prob: find, verdict, juri, trial, issu, tri, upon, new, special, venir, court, judg, assiz, nisi, guilti, prius, give, join, caus, juror, whether, challeng, shall, case, bar, grant, direct, justic, matter, appear

Score: verdict, trial, juri, venir, issu, tri, find, juror, challeng, prius, assiz, nisi, dstringa, new, panel, mistrial, tale, jeofail, guilti, array, inquest, join, corpora, visn, vicineto, special, facia, attaint, judg, juryman

**Topic 58: Prioritizing Claims**

Highest Prob: estat, debt, person, real, charg, shall, payment, creditor, pay, asset, liabl, sell, appli, heir, upon, first, suffici, satisfact, subject, come, case, sale, place, satisfi, part, simpl, land, discharg, direct, contract

Score: estat, debt, creditor, asset, payment, real, fund, pay, sell, heir, charg, person, defici, sale, liabl, satisfact, master, specialti, contract, indebt, paraphernalia, devise, surplus, simpl, pockley, bondcreditor, decre, appli, deg, exhaust

**Topic 59: Motions**

Highest Prob: court, rule, motion, make, caus, geo, affidavit, move, set, upon, show, king, proceed, defend, asid, notic, grant, barnardiston, will, order, shall, accord, leav, barn, appear, far, discharg, strang, give, absolut

Score: affidavit, barnardiston, motion, geo, asid, rule, venu, move, proceed, bailbond, court, sign, barn, prosecutor, irregular, prac, file, scythian, set, probin, defend, caus, grant, bootl, king, attach, stay, order, notic, strang

**Topic 60: Temporal & Spiritual Jurisdiction**

Highest Prob: law, man, marriag, canon, punish, ecclesiast, god, power, licenc, prohibit, church, caus, without, say, author, make, judg, degre, king, person, coke, tempor, shall, great, marri, realm, spiritu, offenc, christian, may

Score: canon, marriag, prohibit, ecclesiast, convoc, levit, laiti, church, spiritu, licenc, offenc, clergi, divorc, punish, law, religion, adulteri, heresi, leviticus, marri, jurisdict, jew, realm, naked, schism, god, matrimoni, priest, coke, preach

**Topic 61: Contract Interpretation & Validity**

Highest Prob: agreement, contract, agre, perform, stock, make, parti, execut, usuri, write, bargain, shall, upon, transfer, will, part, specif, give, parol, articl, mutual, enter, letter, promis, fraud, consider, reliev, loan, lend, accept

Score: agreement, contract, usuri, stock, bargain, perform, southsea, loan, specif, promis, transfer, parol, articl, mutual, execut, write, reliev, fraud, corrupt, lend, vanbrugh, borrow, sign, treati, transact, agre, propos, lender, parti, cent

**Topic 62: Ownership of War Bounty**

Highest Prob: ship, insur, admiralti, polici, voyag, owner, loss, sea, port, take, board, cargo, fraught, captain, upon, lose, prize, sail, merchant, shall, assur, carri, marin, vessel, condemn, admir, master, make, arriv, london

Score: ship, insur, cargo, admiralti, voyag, fraught, port, polici, captur, sail, board, underwrit, partown, vessel, prize, captor, owner, hypothec, tackl, captain, convoy, premium, ballast, averag, wreck, lade, charterparti, viceadmiralti, sea, merchant

**Topic 63: Writs of Error**

Highest Prob: judgement, error, writ, know, revers, bring, facia, give, record, assign, affirm, upon, execut, court, common, bench, shall, enter, can, erron, may, first, origin, parti, plea, abat, now, default, person, therefor

Score: error, writ, judgement, facia, revers, record, assign, execut, erratum, know, supersedeas, erron, affirm, abat, terten, bench, nullo, recuper, bring, exchequerchamb, terreten, plea, piti, nihil, recogniz, transcript, quod, complaint, sue, thou

**Topic 64: Competing Land Claims**

Highest Prob: shall, land, tenant, demand, writ, say, edward, make, fitzherbert, law, assiz, plowden, may, seiz, reason, give, default, thing, videlicet, show, dower, per, case, therefor, will, bro, good, although, see, one

Score: writ, plowden, tenant, dower, vouche, formedon, assiz, fitzherbert, warranti, land, vouch, ass, seiz, demand, cape, tailboi, essoin, bro, nontenur, voucher, covin, max, edward, recognitor, litt, abat, counterplea, acr, donor, default

**Topic 65: Geographic Jurisdiction of Laws**

Highest Prob: england, hundr, ireland, law, wale, king, english, kingdom, countri, subject, sea, make, foreign, scotland, beyond, place, franc, realm, bear, shall, princ, counti, robberi, gold, within, silver, royal, allegi, power, natur

Score: england, wale, ireland, robberi, scotland, hundr, kingdom, allegi, english, negro, silver, dominion, marcher, plantat, realm, hue, enemi, berwick, sea, metal, foreign, countri, franc, coin, princ, copper, inhabit, exeat, royal, cri

**Topic 66: Excluding Beneficiaries of Wills**

Highest Prob: alien, heir, inherit, shall, disabl, law, land, blood, descent, can, take, forfeit, ancestor, case, papist, natur, purchas, brother, attain, person, may, attaind, make, protest, descend, escheat, yet, bear, treason, issu

Score: papist, alien, blood, descent, heir, attaind, inherit, disabl, escheat, attain, ancestor, treason, popish, purchas, protest, descend, forfeit, land, religion, denizen, compo, brother, lineal, deniz, hadden, incapac, idiot, forfeitur, gavelkind, vest

**Topic 67: Procedural Rulings on Actions**

Highest Prob: action, bring, lie, upon, case, declar, debt, will, may, caus, maintain, judgement, recov, sue, hold, remedi, well, suit, anoth, give, yet, parti, fals, wrong, special, plaintiff, can, ground, debet, reason

Score: action, debt, bring, lie, declar, debet, case, sue, upon, recov, tort, nil, remedi, maintain, fals, judgement, suit, recoveri, tam, plaintiff, wrong, caus, venu, detinu, malici, arrest, will, sur, prosecut, accru

**Topic 68: Bankruptcy**

Highest Prob: bankrupt, creditor, assigne, debt, bankruptci, assign, becom, commission, commiss, debtor, effect, make, act, come, case, can, insolv, may, extent, due, execut, discharg, prove, indebt, law, will, part, liabl, norton, time

Score: bankrupt, bankruptci, creditor, assigne, debt, commiss, commission, assign, insolv, debtor, neve, trader, dividend, indebt, trade, extent, composit, becom, vobe, colonel, matto, blacksmith, slader, norri, jacobson, norton, oudley, fraudul, abscond, credit

**Topic 69: Claims from Financial Instruments**

Highest Prob: pound, per, annuiti, hundr, say, report, year, valu, shall, give, thousand, annum, thereof, pay, sum, five, secur, satisfact, cent, charg, upon, ten, life, fifti, shill, worth, finch, amount, twenti, stock

Score: pound, annuiti, hundr, cent, annum, thousand, valu, per, southsea, ayear, sum, year, secur, pay, satisfact, stock, report, arrear, shill, rate, five, deduct, bassano, fifti, finch, dividend, decre, apiec, life, worth

**Topic 70: Validity of Wills**

Highest Prob: deceas, will, depon, lee, say, make, william, give, wit, believ, know, see, come, prove, tell, hear, write, produc, mrs, death, declar, paper, can, hous, execut, leav, prerog, time, read, die

Score: depon, deceas, codicil, jodrel, wit, lee, balchen, calemberg, prerog, mrs, propound, bettesworth, wescomb, herdsman, marriag, inventori, respond, byday, marri, probat, believ, shand, bittleston, robin, winford, leth, pinfold, jehen, cradock, smalbrok

**Topic 71: Habeas Corpus**

Highest Prob: bail, prison, commit, discharg, escap, court, arrest, take, recogniz, corpus, custodi, habea, execut, imprison, shall, may, upon, bring, bodi, warrant, put, charg, person, marshal, can, debt, princip, king, fleet, appear

Score: bail, prison, corpus, habea, escap, arrest, recogniz, imprison, commit, custodi, gaoler, discharg, rescu, marshal, capia, contempt, gaol, rescous, sheriff, remand, fleet, execut, warden, bailpiec, newgat, debt, bailabl, bailbond, sureti, retak

**Topic 72: Coke's Procedural Rulings**

Highest Prob: case, shall, make, upon, justic, good, unto, agre, may, give, also, one, fol, coke, law, jame, man, court, say, bulstrod, will, matter, chief, anoth, appear, take, well, clear, first, time

Score: bulstrod, goldsborough, dodderidg, unto, coke, brownlow, fol, justic, godbolt, case, croak, yelverton, good, haughton, rot, hetley, hobert, foe, jame, hutton, dyer, fleme, resp, barckley, chief, assisar, conceiv, hillar, matter, winch

**Topic 73: Tithes**

Highest Prob: tith, parson, modus, pay, land, parish, discharg, vicar, corn, rectori, shall, year, prescript, time, custom, hay, payment, occupi, rector, small, parishion, everi, within, acr, say, impropri, great, right, set, kind

Score: tith, vicar, parish, parson, prescript, rectori, modus, impropri, parishion, decimand, corn, rector, titheabl, custom, pay, occupi, huntspil, land, lakenham, endow, acr, sow, vicarag, gwill, decimus, uniti, discharg, monasteri, parsonag, agist

**Topic 74: Bonds**

Highest Prob: bind, condit, oblig, debt, releas, upon, shall, give, make, perform, void, discharg, deliv, penalti, take, satisfact, obligor, enter, demand, save, oblige, may, day, appear, yet, sureti, thing, forfeit, payment, sue

Score: bind, condit, releas, debt, obligor, oblig, oblige, perform, penalti, harmless, oyer, satisfact, void, sureti, discharg, factum, defeas, save, deliv, payment, counterbond, forfeit, demand, sue, acquitt, cancel, indemnifi, upon, acknowledg, enter

**Topic 75: Publishing & Copyright**

Highest Prob: lord, kenyon, see, right, state, print, book, mansfield, author, blackston, also, principl, fact, may, mere, foster, clear, saint, question, wilmot, dli, present, public, consid, properti, support, burr, whether, seem, even

Score: kenyon, blackston, swanston, print, mansfield, wilmot, printer, copyright, principl, burr, crown, appendix, properti, collyer, dli, right, state, public, foster, legislatur, publish, lord, camp, rym, norton, station, east, copi, str, raym

**Topic 76: Restraints on Trade**

Highest Prob: trade, compani, use, sell, bylaw, licenc, make, buy, may, penalti, within, person, shall, exercis, law, man, restrain, particular, without, say, set, shop, defend, place, free, can, mysteri, corpor, void, restraint

Score: trade, bylaw, compani, licenc, mysteri, sell, penalti, victual, buy, apprentic, monopoli, trader, shop, eastindia, exercis, retail, vintner, corpor, apprenticeship, manufactur, societi, tradesman, warden, restraint, gun, brewer, merchant, carman, upholst, use

**Topic 77: Shared & Divided Property Rights**

Highest Prob: one, two, part, three, sever, whole, shall, anoth, four, joint, common, entir, moiety, join, divid, rest, make, everi, five, respect, jointten, may, togeth, person, equal, differ, distinct, yet, partit, alon

Score: one, two, sever, part, three, joint, moiety, jointten, partit, whole, four, entir, divid, join, common, survivor, anoth, tenanc, five, equal, rest, coparcen, undivid, residu, distinct, alon, shall, respect, separ, bonni

**Topic 78: Equity Appeals**

Highest Prob: appel, respond, brown, say, order, decre, shall, caus, appeal, hear, sever, thereof, make, court, time, bill, answer, also, cost, year, accord, premis, upon, part, insist, account, therefor, therein, may, therebi

Score: appel, respond, decre, cost, appeal, brown, bill, fitzsimmon, ireland, premis, order, mew, coll, ellan, pelletstown, master, chanceri, athunri, carthi, dismiss, dublin, estat, kingsland, lightburn, jour, etcetera, tenison, sever, pound, vol

**Topic 79: Coke Reporting**

Highest Prob: roll, abr, coke, case, elizabeth, light, dig, com, cro, rep, inst, see, report, bac, jame, ant, post, resolv, car, law, leon, say, will, hob, vin, although, may, dyer, sand, vide

Score: bac, dig, coke, cru, cro, abr, com, inst, watk, leon, light, roll, vin, reporta, reportb, conv, elizabeth, rep, hob, bulst, yellow, sugd, plowd, doct, sand, brownl, godb, sheep, car, raym

**Topic 80: Bailment**

Highest Prob: keep, hors, charg, shall, deliv, man, lose, take, answer, game, carri, send, give, come, necessari, money, play, will, carrier, person, inn, one, cloth, thing, liabl, use, lodg, letter, upon, guinea

Score: carrier, hors, innkeep, game, postmast, pawn, play, guest, guinea, steal, meat, drink, wager, pawne, bailment, cloth, baile, money, geld, keep, hire, carriag, apparel, lewd, jewel, pledg, robberi, silk, lodg, coach

**Topic 81: Determining Damages & Costs**

Highest Prob: cost, damag, give, shall, recov, tax, nonsuit, court, assess, case, suit, inquiri, full, enquiri, default, valu, upon, entitl, inquir, shill, expens, also, doubl, loss, sustain, tripl, though, demand, charg, excess

Score: cost, damag, tax, nonsuit, assess, recov, inquiri, enquiri, tripl, financi, taxat, vexati, sustain, shill, excess, suit, give, increment, setoff, valu, expens, discontinu, hullock, default, deduct, prothonotari, loss, doubl, shall, prosecut

**Topic 82: Conveyancing by Fine**

Highest Prob: fine, levi, bar, proclam, year, five, case, land, conuse, right, make, pass, shall, entri, conusor, parti, avoid, enter, claim, discontinu, die, save, acknowledg, nonclaim, yet, forfeitur, say, revers, afterward, sur

Score: fine, levi, conuse, proclam, conusor, nonclaim, betton, bar, discontinu, ceo, sur, stowel, land, entri, fini, year, five, dedimus, forfeitur, divest, coun, cruic, formedon, bettar, conusan, zouch, podger, venabl, right, saffin

**Topic 83: Vesey Reporting**

Highest Prob: will, court, senior, vesey, can, lord, law, must, consid, may, take, ves, supplement, general, question, eden, see, entitl, equiti, rule, right, person, therefor, case, interest, whether, determin, direct, make, estat

Score: vesey, senior, ves, supplement, eden, sen, equiti, atk, estat, fund, mrs, interest, consid, repres, sincha, court, hardwick, properti, will, eldon, lord, famili, reg, entitl, must, precentorship, right, construct, winsmor, lib

**Topic 84: Rulings on the Calendar**

Highest Prob: term, day, time, year, first, last, within, six, continu, second, month, next, michaelma, end, shall, four, long, easter, follow, ten, commenc, trinit, twenti, videlicet, till, hilari, seven, five, expir, eight

Score: term, day, year, time, month, michaelma, six, first, hilari, easter, expir, within, trinit, last, commenc, next, continu, end, second, four, twenti, ten, seven, eight, limit, five, octob, date, januari, april

**Topic 85: Inferior-Court Jurisdiction**

Highest Prob: court, counti, record, jurisdict, hold, remov, within, caus, inferior, certiorari, proceed, appear, plaint, say, justic, may, leet, amerc, judg, aris, matter, place, middlesex, can, palatin, process, person, steward, chester, lie

Score: jurisdict, certiorari, counti, record, plaint, inferior, leet, amerc, court, palatin, procedendo, amercia, remov, precept, courtleet, marshalsea, proceed, process, certiorar, steward, chester, verg, courtbaron, middlesex, countypalatin, mittimus, within, franchis, estreat, hither

**Topic 86: Tree Law**

Highest Prob: except, wood, cut, tree, outlawri, take, shall, say, grow, outlaw, wast, timber, fall, morgan, may, henri, show, land, without, suffici, can, time, use, also, oak, well, leav, twenti, underwood, stand

Score: except, tree, outlawri, cut, wood, outlaw, timber, wast, oak, lop, grow, underwood, timbertre, estov, coppic, morgan, portionari, fitzwarren, top, growth, fireboot, pollard, henri, hedgerow, soil, elm, holborn, timher, fall, beech

**Topic 87: Rendering Judgement**

Highest Prob: attorney, versus, upon, judgement, mich, roll, trin, car, hill, court, move, enter, appear, justic, report, style, chief, give, may, warrant, pasch, rot, banc, say, skinner, ventri, arrest, though, take, side

Score: attorney, versus, banc, mich, trin, ventri, arrest, rot, judgement, car, scythian, move, sup, style, skinner, rotulo, roll, noll, pasch, hill, retraxit, enter, warrant, plant, chief, upon, justic, postea, reg, report

**Topic 88: Precedent**

Highest Prob: case, will, can, may, must, upon, say, reason, though, law, take, opinion, whether, therefor, think, yet, object, make, point, now, question, first, differ, present, court, give, cite, come, thing, appear

Score: case, must, will, think, can, object, though, cite, present, opinion, reason, law, inde, consid, point, question, determin, differ, right, insist, upon, whether, plain, lord, may, author, argu, rule, particular, thing

**Topic 89: Geographic Settlement of Children**

Highest Prob: parish, settlement, child, order, remov, saint, gain, place, inhabit, year, king, case, settl, bastard, hire, live, can, certif, send, man, father, two, pauper, state, person, bear, legal, per, last, upon

Score: parish, settlement, child, inhabit, pauper, hire, bastard, sett, extraparochoi, quash, remov, gain, bott, const, certificatemanager, session, father, certif, order, ricelip, sess, rem, mother, burr, saint, bastardchild, chargeabl, year, parochoi, settl

**Topic 90: Contingency in Wills**

Highest Prob: die, conting, death, issu, shall, limit, remaind, case, life, without, son, devis, vest, live, happen, take, time, upon, thoma, year, executori, void, survivor, first, can, estat, william, bear, child, good

Score: conting, remaind, devis, son, limit, survivor, death, vest, executori, issu, die, twentyon, life, child, testat, thoma, fearn, daughter, surviv, age, attain, wife, estat, sabbarton, deceas, live, happen, beget, interest, void

**Topic 91: Marriage Settlement**

Highest Prob: settlement, articl, marriag, land, make, settl, estat, jointur, power, life, execut, remaind, shall, purchas, part, consider, will, upon, decre, portion, coven, use, provis, wife, lie, intend, first, limit, say, agre

Score: settlement, jointur, marriag, articl, estat, remaind, coven, portion, land, decre, purchas, trustee, settl, wife, power, male, erisey, marriagearticl, life, jointress, provis, vernon, equiti, execut, deed, heir, ladi, convey, agreement, master

**Topic 92: Minors & Guardians**

Highest Prob: infant, age, guardian, ware, year, full, may, court, shall, minor, come, person, within, infanc, attain, case, make, appoint, till, twentyon, can, appear, guardianship, educ, heir, custodi, sue, care, prochein, right

Score: infant, age, guardian, minor, guardianship, infanc, prochein, wardship, attain, nonag, ware, educ, socag, twentyon, year, enfant, ravish, heir, custodi, seventeen, durant, full, rank, guardianum, chivalri, soccag, eighteen, mother, sue, inspect

**Topic 93: Court Petitions**

Highest Prob: commiss, commission, petit, order, chancellor, partner, part, atkin, certif, petition, may, lunat, lord, partnership, person, separ, take, shall, direct, joint, upon, account, expart, committe, issu, find, will, make, allow, great

Score: commiss, petition, partner, commission, lunat, partnership, expart, petit, chancellor, joint, committe, certif, atkin, idiot, inquisit, melius, order, dividend, separ, lunaci, andre, supersed, copartnership, lordship, affidavit, custodi, winsmor, evanc, part, sign

**Topic 94: Attorney- & Solicitor-General**

Highest Prob: sir, henri, edward, thoma, john, william, knt, robert, georg, justic, franci, term, general, chief, richard, jame, esq, solicitor, car, attorneygener, bench, peter, jone, whether, second, report, dame, walter, charl, trinit

Score: sir, knt, thoma, henri, john, franci, robert, georg, william, edward, esq, term, justic, solicitor, dame, attorneygener, richard, chief, car, bench, peter, edmund, jame, dudley, aland, hilari, nichola, christoph, trinit, general



**Topic 95: Ecclesiastical Appointments**

Highest Prob: present, bishop, church, advowson, dean, void, hinder, patron, incumb, quar, chapter, institut, shall, right, avoid, king, make, archbishop, induct, first, ordinari, parson, benefic, admit, successor, may, saint, time, clerk, turn

Score: church, bishop, patron, advowson, induct, quar, dean, chapter, benefic, vicarag, archbishop, commendam, incumb, present, collat, bishopr, rectori, institut, simoni, usurp, patronag, presente, prerog, prebend, parson, chaplain, resign, successor, tennison, append

**Topic 96: Decisions After Conviction**

Highest Prob: indict, king, convict, offenc, feloni, pardon, justic, commit, treason, peac, case, punish, guilti, defend, appeal, say, charg, prosecut, hawk, may, shall, upon, parti, murder, felon, conspiraci, queen, acquit, offend, fact

Score: indict, convict, offenc, pardon, feloni, treason, conspiraci, murder, peac, clergi, arraign, felon, prosecutor, coron, king, malici, hawk, offend, punish, commit, misdemeanour, quash, appeal, crime, accessari, conspir, robberi, appelle, acquit, forgeri

**Topic 97: Mistakes in Court Records**

Highest Prob: amend, name, declar, origin, varianc, sander, mistak, form, record, clerk, defect, omit, hold, materi, addit, count, case, bing, writ, verdict, either, omiss, substanc, fault, recit, instead, now, can, note, shall

Score: amend, varianc, bing, sander, taskett, name, mispris, edolph, mortagh, jeofail, writ, declar, record, mistak, nev, count, misnom, origin, rucker, verdict, erratum, clerk, cursitor, misrecit, form, addit, dowl, scott, omiss, defect

**Topic 98: Intestacy**

Highest Prob: child, estat, share, distribut, equal, shall, sister, person, brother, part, die, divid, take, moiety, intest, among, will, leav, entitl, advanc, next, kin, father, mother, daughter, whether, case, make, accord, grandchild

Score: child, share, sister, distribut, intest, estat, moiety, grandchild, orphanag, kin, daughter, mother, equal, hotchpot, father, niec, grandmoth, advanc, divid, brother, survivorship, surviv, customari, nephew, freeman, aunt, deceas, blood, wife, lifetim

**Topic 99: Local Administrative Appointments**

Highest Prob: offic, clerk, appoint, constabl, deputi, peac, warrant, fee, take, make, shall, grant, justic, duti, execut, may, person, life, custo, exercis, place, say, author, power, oath, well, nomin, can, steward, profit

Score: offic, constabl, deputi, custo, peac, clerk, rotulorum, fee, excis, appoint, oath, duti, exercis, warrant, deput, collector, execut, steward, ministeri, grant, life, justic, nomin, auditor, stewardship, misdemeanour, shower, demean, profit, lenthall

**Topic 100: Contrasting Cases & Statutes**

Highest Prob: shall, brook, case, king, land, man, new, make, upon, may, use, heir, say, year, tenant, law, note, good, leas, yet, can, statut, die, one, tail, without, feoff, grant, see, titl

Score: tail, leas, feoff, heir, brook, tenant, land, fine, action, writ, statut, tree, offic, remaind, rend, seiz, devis, liveri, patent, alien, king, coven, commiss, titl, avowri, new, age, travers, treason, indict

## Appendix E: Justifying Topic Names

This appendix provides a brief description of the content of each estimated topic, justifying the assigned topic name. Recall that topics are distributions over vocabulary and documents are mixtures of topics. To assign topic names, for each topic, we examined the Highest Probability and Score words (key words, in short) that define the topic and studied the 20 documents that feature the topic most prominently. In the descriptions of each topic below, we provide quotes from the associated top 20 documents (i.e., cases), often referred to below omitting the word 'top'. The quotes are from the versions of the documents that have not had their orthography standardized, not Latin translated, nor been stemmed. The key words are from the versions used for estimation, in which these three operations have been applied. For greater readability, we lightly edited some of the quotes. Footnotes provide a glossary of select terms and concepts.<sup>22</sup>

- 1 Topic 1 (Identifying Contractual Breach): Key words include 'breach', 'coven', 'perform', 'nonpay', 'evict', 'break'. Top documents are about ascertaining and clarifying whether breach of contract has occurred in a given situation. For example, in one document: "When any thing is done or suffered by the lessor, whereby the lessee cannot enjoy his benefit, it's a breach of covenant...". In another document: "The difference is between doing a thing to a man or his assigns, and by a man or his assigns; if a thing be to be done by a man or his assigns, the breach must be in the disjunctive, that it was not done by him or his assigns. But where a thing is to be done to a man or his assigns, it is sufficient to assign for breach, it was not done to him."
- 2 Topic 2 (Royal Patents & Tenures): Key words include 'patent', 'king', 'queen', 'grant', 'letterspat'. Top documents focus on where patents hold.<sup>23</sup> One document states: "A patent which recites the King's title, and mistakes it, is void; as where the King grants a manor or land which he has by the attainder of A. and in truth, he has it by another title: this patent is void." Another states: "Where the King's patent may be taken to two intents, and it is good as to one intent, and not good as to the other; the patent is valid. This is a good precedent. Nice constructions of the King's patents are a dishonour to him."
- 3 Topic 3 (Equitable Relief): Key words include 'case', 'equity', 'chan', 'decre', 'note'. Top documents are short descriptions of Chancery Court decisions, often clarifying the scope of equity cases and the jurisdiction of equity courts. For example, in one document: "After a Suit commenced in Equity, an Executor shall not be allowed any voluntary Payments." In another document: "Equity will not relieve against a Forfeiture incurred by Act of Parliament."

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<sup>22</sup> For brevity, we omit citations to underlying sources. Definitions are readily available via online sources such as Wikipedia, OED, Merriam-Webster, and various legal dictionaries.

<sup>23</sup> In patents, a monarch gave a right or an appointment.

- 4 Topic 4 (Self-Help in Real-Property Disputes): Key words include 'appurten', 'tenement', 'acr', 'manor', 'pastur', 'demesn', 'premis', 'seiz', 'damag', 'trespass'.<sup>24</sup> The basic structure of a case is that A has done something to B involving property; B takes revenge in some way, usually involving property; sometimes B is arrested and there is a question of whether he should be released; sometimes A sues B in some way. One example is: "Nicholas Francis (B) was attached by the writ of the lady the Queen of second deliverance, to answer to Walter Parker (A) of a plea, wherefore he took the cattle of him the said Walter, and then unjustly detained against gages and pledges<sup>25</sup>, &c. ...And the aforesaid Nicholas...cometh and defendeth the force and injury...And doth well acknowledge, the taking of the cattle aforesaid, in the aforesaid place...Because...[then the details of the property dispute]" Another example is: "John Cooks...granted and to farm let to the aforesaid George one messuage, 30 acres of land, 10 acres of meadow, and 20 acres of pasture...by virtue of which...George entred into the tenements aforesaid... was possessed thereof until the aforesaid Samuel...with force and arms [entered] into the tenements...and him the said George from his possession aforesaid thereof kept out, and yet keeps out...And the said Samuel...defends the force and injury...[then the details of Samuel's claim to the property]."

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<sup>24</sup> Appurtenances are movables associated with ownership of a piece of land. To seize is to take legal possession of land, and sometimes to transfer land to others.

<sup>25</sup> "Against gages and pledges" means that one party has possession of another person's property to provide surety that something happens.

- 5 Topic 5 (Common-Land Disputes): Key words include 'common', 'cattle', 'land', 'replevin', 'avowry', 'distrain',<sup>26</sup> 'avow', 'pastur', 'distress', 'damagefeas'. Top documents are about property disputes involving common land.<sup>27</sup> Cases involve replevin<sup>28</sup>, avowry<sup>29</sup>, or distress damage feasant<sup>30</sup>, and revolve around whether such actions are justified or not, or whether the land featured in the dispute is common land or not. For example, in one document: "In a replevin, the plaintiff shews that there is a field, the franktenement<sup>31</sup> whereof belongs to the plaintiff and that at certain times of the year the plaintiff should put in but so many horses only, according to the custom. And that the defendant had common there for his cattle, and that he had distreyn'd the cattle of the plaintiff there damage feasant, because there were more than 3 horses." In another document: "In an action upon the case for putting of cattle upon the common, it was adjudged; that if the cattle of a stranger escape into the common, the commoner may distrain them damage feasant, as well as where the cattle are put into the common by the stranger."
- 6 Topic 6 (Execution & Administration of Estates): Key words include 'executor', 'administr', 'testat', 'asset', 'executrix', 'administratrix', 'probat'. Top documents involve the actions of administrators or executors of estates. For example, one document states: "Debtor made Executor, yet his Debt to be Assets and not extinct. A Debtor made Executor shall not extinguish his Debt, but the same to be taken as Part of the Testator's Personal Estate." Another states: "The executor or administrator...in the same manner as the testator or intestate would have been..."
- 7 Topic 7 (Dignitaries): Key words involve a number of nobility titles (e.g. 'lord', 'earl', 'peer', 'duke', 'lady', 'countess', 'duchess') as well as 'honour' and 'sequestr'. Top documents are cases involving nobility and the corresponding procedural specifics. For example, in one document: "A Peeress ordered to produce Deeds confessed in her Answer on Honour only, and not on Oath." In another document: "The sequestrators having entered into Powis House (to which Lady Henrietta Holles made title as heir), and sequestered all the goods, &c. there belonging to the Duchess they were forcibly turned out of possession..."

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<sup>26</sup> To distrain is to seize property to force repayment of some alleged debt.

<sup>27</sup> Land owned collectively by one or more persons, but over which other people have certain traditional rights, such as the right to livestock grazing or wood collection.

<sup>28</sup> An action to recover personal property that was wrongfully taken or detained. In contrast to other forms of legal recovery, replevin seeks the return of the actual property item itself, as opposed to monetary damages. Replevin emerged out of the need of a tumultuous society to discourage resort to self-help.

<sup>29</sup> An acknowledgment that the plaintiff's property had been taken, with a justification for the act. The acknowledgment and the justification are provided in the defendant's pleading in an action of replevin.

<sup>30</sup> A self-help legal remedy whereby a person may take possession of chattel (e.g. livestock), wrongfully located on that person's land, in order to secure compensation payment for the damage caused.

<sup>31</sup> A type of tenement which existed under feudal law; a free tenement or a freehold.

- 8 Topic 8 (Vesey Footnotes): Key words include 'case' and then many reporter names. The documents provide references to points made by Vesey in his reports. For example one document simply states: "See in Lord Teynham v Webb, 2 Ves. 198, and 209, et antea (325). See pp. 262, 263; et vide 2 Ves. 207... Vide also Bolger v Mackell, 5 Ves. 509." Another is: "The case of Lord Warrington v Langham, cited in the Report, p. 620, is in Prec. Ch. 89."
- 9 Topic 9 (Revocation): Key words include 'deed', 'revoc', 'revok', 'will', 'codicil', 'power', 'attest', 'credibl'. Top documents describe situations where there was a revocation<sup>32</sup> of an aspect of a given legal instrument, typically a deed or a will, and there exists a need for ascertaining if revocation is possible and which aspects of the legal instrument hold. For example, in one document: "A second Will not duly executed no Revocation of a former Will, though cancelled." In another document: "Lands were conveyed to Trustees for such Uses as M. should direct, limit and appoint. M. voluntarily by Writing under her Hand and Seal limited the Uses to the Plaintiff, and (she being a Feme Covert) the Deed was kept in her or Husband's Hands. Afterwards she destroyed this Deed, and limited the Uses to the Defendant. And there was no Power of Revocation reserved in the Deed to the Plaintiff. And the Question was, Whether she was so bound by the first Limitation that it was not in her Power to alter it?"
- 10 Topic 10 (Executable Purchase Agreements): Key words include 'purchas', 'sell', 'sale', 'buy', 'convey', 'notic', 'know', 'fraud', 'fraudul', 'obtain', 'deed', 'reliev', 'asid', 'conceal', 'affect'. Top documents revolve around purchases and sales, that is, contractual transfers of property rights (hence the stem of conveyance<sup>33</sup> among the key words). The focus is on what renders a specific purchase agreement executable. The cases focus on which party had, or should have had, what specific information (notice) about the property or item to be purchased, what potential encumbrances were, if there was any fraud involved, and then, in light of such circumstances, whether the agreement, or an aspect thereof, is executable. For example, in one document: "If a conveyance be made by fraud, and afterwards the land is conveyed over upon valuable consideration, bona fide, the fraud is purged." In another document: "If after the Execution of a Conveyance, but before Payment of the Consideration Money, the Purchassor has Notice that the Vendor has no Title to the Lands, this is sufficient to avoid the Purchase."

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<sup>32</sup> Revocation is the cancelling of an act, a privilege, or some previously existing deed.

<sup>33</sup> The legal process of transferring property from one owner to another.

- 11 Topic 11 (Keble Reporting): 'kebl' is the top key word. Top documents are either reports produced by or reports that refer to reports by Joseph Keble, a prominent case reporter. The substantive content of reported cases varies widely across reports. For example, in one document Keble reports: "On judgment in action tam quam, on the Statute of Wines, Baldwin prayed a writ of error into the Exchequer Chamber, which per Curiam lieth not, but onely into Parliament, and so it was adjudg'd in Brown and Witham's case, Hil. 1659, per Newdigate, Ch. Just. and Hill, in Johnson and Smith's case, and so is The Lord Say's case and the constant course of the Court, and it was denied." Another document, also authored by Keble, refers to a prior report by Keble, noting: "The defendant pleaded to the writ of assize, that the writ was returned coram nobis apud Westm. not said ubicunque, sed non allocatur, the Court being here its well enough; as Fairfax Trin. 1650, Rot. 1344, and so per Curiam hath been often ruled..."
- 12 Topic 12 (Prohibiting Jurisdiction): Key words include 'prohibit', 'spiritu', 'jurisdict', 'ecclesiast', 'court', 'admiralti', 'probat', several of which refer to courts on which the King's Bench makes rulings. The top document exemplifies the issues: "If one be sued in the Spiritual Court, for an ecclesiastical matter, out of his diocese, it is too late to come after sentence for a prohibition; because the party has affirmed the jurisdiction. So if he be sued for a matter not belonging to ecclesiastical conusance; but if it appear on the proceeding, that they have meddled with a matter which belongs not to them, a prohibition shall go after sentence." A second states: "By the Court that a prohibition shall not be awarded to the Admiral, or Spiritual Court after sentence. Also that a plea was there pleaded and refused, which was triable at common law."
- 13 Topic 13 (Statute Applicability): Key words include 'statut', 'within', 'commonlaw', 'law', 'cap', 'case', 'extend', 'extent', 'limit', 'elegit', 'enact', 'repeal', 'void', 'provid', 'word', 'preamble', 'void', 'say'. Top documents are about ascertaining and clarifying whether a particular statute applies to a specific case, often clarifying how it interacts with the common law. For example, in one document: "Lands extended are evicted, at common law a new extent would not lie; so if the husband died seised in right of his wife: but at this day, by the statute 37 H. 8, where there is a total eviction, a new extent may be awarded. But at common law, and at this day, such eviction does not hinder a capias for the body of the conusor." In another document: "The question was, whether he should have a new extent as at the common law, against John Mayn, or a re-extent upon the statute of 32 Hen. 8. c. 5. ? It was strongly urged and argued before them by Sir Thomas Coventry, Attorney-General, that he should have a new extent against John Mayn at the common law."

- 14 Topic 14 (Disentangling Heirs): Key words focus on familial terms and heredity. The top document contains typical issues: "A. has a daughter his heir apparent, this daughter has a son, she dies in her father's lifetime, then A. is killed; this son shall have an appeal of the death of his grandfather; for by the death of his mother in his grandfather's lifetime the son is the immediate heir to him." Another case exemplifies the type of discussion: "A custom that if the father dies, leaving no sons, but two daughters, the eldest should have the estate for her life, &c. and that the wife should have it for life, a man dies, leaving a wife and two daughters, the elder dies in her mother's life, the second daughter shall have the estate for her life."
- 15 Topic 15 (Municipal Charters): Key words include 'elect', 'mandamus', 'corpor', 'mayor', 'charter', 'borough', 'alderman'. Often in top documents, one of the parties is the monarch. Reports focus on clarifying aspects of election, who can and cannot hold specific office given a municipal charter, and other aspects of workings of municipal governments. Many cases involve mandamus<sup>34</sup>. In one document: "By one charter, jurats are to be chosen by the mayor and jurats, out of the freemen; but by a subsequent charter, they are to be chosen by the mayor, jurats and commonalty, out of the inhabitants; an election of a jurat according to the former charter is had." In another document: "The common council of a corporation have not of common right a power to remove any of the members of the corporation. A mandamus was granted, directed to the Mayor, Aldermen and Burgesses of Doncaster, commanding them to restore Christopher Scot to the office of a capital burgess of that corporation."
- 16 Topic 16 (Modern Reporting): Key words include 'case' and then many reporter names. All the cases are from Modern Reports, which are a heterogenous collection of rulings, or refer to Modern Reports and have the same style. They span all areas of law. A typical document is the following "We never make a rule upon a sheriff to make a particular return. (a) See *Lewis v Farrel*, 1 Stra. 114. *Parker v Langley*, 10 Mod. 145, 209. (b) *Jones v Gwyne*, Salk. 15. 10 Mod. 148, 214. Gilb. 185. *Chambers v Robinson*, 2 Stra. 691. *Wicks v Fentum*, 4 Term Rep. 247." Another states: "Verdict may be amended by notes of the clerk of assize in civil cases, not in criminal. Cro. Et. 677, 678. 2 Jo. 211. Litt. Rep. 61. 5 Mod. 287, S.C. Comb. 406. Skin. 666. Holt 481. 3 Salk. 191. Post, 53, pl. 19. Mod. Cases 165. Moor 689. Cro. Jac. 239."

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<sup>34</sup> A court's order to a government official to properly carry out his or her official duties.

- 17 Topic 17 (Actionable Defamation): Key words include 'word', 'action', 'speak', 'say', 'lie', 'innuendo', 'slander', 'libel', 'false', 'knave', 'thief', 'witch', 'whore', 'rascal', 'pox'. Top documents are about deciding on which specific words in a statement involving alleged slander or libel are actionable. For example, in one document: "Words adjectively spoken, as, 'Thou perjured beast,' are actionable, unless the context shews they were not used in a positive sense." In another document: "He got the pox of a yellow-haired wench, actionable. Case for saying of the plaintiff, He has got the, pox of a yellow-haired wench in Hoorfields. After verdict for the plaintiff, 'twas moved in arrest of judgment, that saying, one has got the pox, is not actionable, because not scandalous, it being intended the small-pox, 4 Co. 17. But 3 Cro. 214, laid of the pox is actionable; and so is rotted of the pox, 3 Cro. 648, because intended the French pox."<sup>35</sup>
- 18 Topic 18 (Length & Expiry of Leases): Key words include 'leas', 'year', 'lesse', 'life', 'demis',<sup>36</sup> 'void', 'revers', 'lessor', 'commenc', 'renew', 'begin'. One document states: "One having a Power to make Leases for Twenty-one Years in Possession, made a Lease to A. for Twenty-one Years, in trust for the Payment of Debts; but the Lease was made to commence from a Time to come, and so not pursuant to the Power." Another concludes: "If A. demise lands to B. for a year, and so from year to year; this is not a lease for two years, and afterwards at will; but it is a lease for every particular year; and after the year is begun, the defendant cannot determine the lease before the year is ended. The lessor cannot determine his will in the middle of a quarter, without permitting the tenant to have the emblements."<sup>37</sup>
- 19 Topic 19 (Repaying Debt): Key words include 'money', 'pay', 'payment', 'sum', 'account', 'interest', 'due', 'repay', 'receiv', 'discharge', 'disburs', 'indebt', 'lend'. Top documents lay out the details of paying back a sum of money that is owed, often with a focus on interest and sometimes via a complex transaction involving multiple parties. For example, in one document: "If A. is indebted by Security, carrying Interest, and also on simple Contract, and he pays Money generally, it shall be taken to be paid towards Discharge of the Debt which carried Interest." In another document: "This Court did declare, That the Plaintiffs ought to have Interest for their Interest Money from Time to Time, when it is a stated Sum."

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<sup>35</sup> French pox is syphilis.

<sup>36</sup> To demise is to transfer by lease.

<sup>37</sup> Emblements are the profits from the leased property.



- 20 Topic 20 (Equity Jurisdiction): Key words include 'court', 'chancery', 'case', 'law', 'equity', 'lord', 'keeper', 'relief', 'chancellor'. Cases revolve around whether the judges in Chancery will consider a case, for example: "It having been ordered at the hearing of this cause, that a case should be drawn up, as it stood upon the deed, for the Judges of the Common Pleas to give their opinion upon; it was now moved, that the Lord Keeper would rehear the cause, and be attended with Judges, or that it might be presented to the Judges for their opinions, as a case in equity, as well as a point in law. The Lord Keeper declared his opinion was, that he could go no farther in equity, than the law went..." Another states: "The same day that the plaintiff's cause was to be heard in Chancery, the defendant caused the plaintiff's counsel in Westminster-hall, as they were going to the Chancery bar, to be served with an injunction out of the exchequer, to stay the suit, .... Lord [Keeper] Coventry declared that the court would not give way to this injunction..."
- 21 Topic 21 (Multiparty Cases): Key words are almost exclusively first names (e.g. 'john', 'mari', 'sarah', 'wilson', 'joseph'). Top documents describe cases that involve many parties, and thus use many names. Some of the cases are about inheritance. For example, in one document: "The defendant demands over<sup>38</sup> of the condition, which was to perform certain articles of agreement; and the defendant set forth the articles made between the defendant of the first part, the plaintiff of the second part, and Rebecca Morse widow, Joseph Morse, Samuel Morse, John Morse, Daniel Morse, Nathaniel Morse, Robert Morse and Thomas Morse, sons of the said Rebecca, of the third part...". In another document: "Thomas Cecil, and Mary his Wife, and Mary Juxon, the Wife of Emanuel Juxon, by her next Friend, Plaintiffs; The said Emanuel Juxon, Moses Juxon, Thomas Juxon, and Samuel Juxon, Defendants."

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<sup>38</sup> A hearing.

- 22 Topic 22 (Assumpsit): An assumpsit is an implied promise that can be used to sue for damages from a breach of the promise. Key words include 'assumpsit', 'promis', 'indebitatus',<sup>39</sup> 'consider', 'forbear', 'non', 'assum', 'indebt', 'pay', 'debt'. Top documents focus on when an assumpsit can be said to have taken place and whether an action of assumpsit is allowed. A typical technicality is: "...whereas the defendant was indebted to the plaintiff in seven pounds, that in consideration thereof he promised to pay, &c. The defendant pleaded non assumpsit...and it was moved in arrest of judgment that the declaration is not good; because he doth not shew any cause of the debt...and although he hath pleaded non assumpsit, and it is found against him, yet the declaration being ill the verdict doth not aid it. It was therefore adjudged for the defendant." Another document states: "...plaintiff promised to find horse-meat and man's-meat for the defendant and...the defendant assumed to pay to the plaintiff all such sums as that diet and horse-meat amounted to, when he should be thereunto requested: and...defendant...hath not paid it. The defendant pleads non assumpsit; and it was found against him: and now moved in arrest of judgment, that the promise being to pay when he should be requested, there ought to be a precise request alledged, and the year, day, and place of the request expressed; for the defendant is not otherwise chargeable in an assumpsit."
- 23 Topic 23 (Indicting for Murder): Key words include 'inform', 'kill', 'murder', 'manslaught', 'malic', 'prison', 'prepens', 'provoc', 'cudgel', 'stab', 'assaul'. Top documents are about conditions that need to be fulfilled to indict for murder, often emphasizing the distinction between murder and manslaughter. For example, in one document: "Holt CJ Who gave the opinion of the Judges, said that the distinction between murder and manslaughter, only is occasioned by the Statute of 23 H. 8, and other statutes, that took away the benefit of clergy from murder committed upon malice prepensed." In another document: "In case a man shall murder another, whether all those in his company at the time of the murder, are so necessarily involved in the same crime, that they may not be separated from the crime of the said person, so as in some cases to be found guilty only of manslaughter?"

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<sup>39</sup> Indebitatus means being indebted.

- 24 Topic 24 (Mortgages): Key words include 'mortgag', 'mortgage', 'mortgagor', 'redempt', 'redeem', 'foreclosur', 'equiti', 'encumbr', 'encumbranc', 'interest', 'foreclos'. A typical case with its complications is: "The Mortgagor being Son-in-Law to the Mortgagee, being entered, and afterwards suffered the Mortgagor to take the Profits for several years, without requiring Interest; it was held by the Court, that the Interest of the first Mortgagee should not affect the Lands, so as to keep out the second Mortgagee longer than he would have been, had the Interest been duly paid; it was likewise held, that if a Mortgagee, after Notice of a subsequent Mortgage, joins with the Mortgagor, in a Sale of the Lands to a Stranger, the Money received by either, for the Purchase, shall sink so much of the Mortgage Money." A different case rules: "A Mortgagee refusing to receive his Money on Tender after Forfeiture, shall lose, his Interest from the Tender."
- 25 Topic 25 (Regulating Commerce): Key words include 'custom', 'london', 'citi', 'duti', 'prisag', 'wine', 'merchant', 'merchandis', 'freeman', 'citizen', 'commonalti', 'communiti', 'measure', 'import'. Top documents focus on instances of violation of rules and customs (mostly local and, of them, mostly London) involving the nature, rules, and standards related to the importing, producing, and selling of merchandise. For example, in one document: "Wilkins a baker of the City of Lincoln, brought an action of trespass against the mayor of the same city, for taking certain loaves of bread. The defendant said the City of Lincoln est antiqua civitas, &c. and that the custom is, and that it hath been within the same city, time out of, &c. that if any baker within the same city, bake any bread, and offer to sell it within the same city, and that the mayor for the time being, hath used to weigh it, and if it be found not weight, that then he hath us'd to distribute it to the poor of the same city." In another document: "...the defendant insisted on the custom as to foreign goods, this water-bailage was only paid when they toucht at any other port in England before they came to London."
- 26 Topic 26 (Non-Translated Latin): This is a heterogenous collection of cases in which the only common feature is that there are many Latin words that have not been translated during text processing. These cases are the ones in the dataset that have the highest percentage of non-English words.

- 27 Topic 27 (Rights of Married Women): Key words include 'wife', 'husband', 'dower', 'marriage', 'feme', 'covert',<sup>40</sup> 'covertur',<sup>41</sup> 'surviv', 'die', 'death', 'divorc'. Top documents are cases that clarify the legal rights of married women, for example in instances when the husband passes away, after divorce, upon adultery, or in re-marrying. For example, in one document: "A Woman, on Agreement before Marriage with her Husband, being to have a Power to act as a Feme Sole, and the Husband dying, and she marrying again, the second Husband not being privy to the Settlement on the first Marriage". In another document: "But if a Sum of Money is awarded the Husband, which he is entitled to in Right of his Wife, and the Husband dies before it is paid, it will go to his Executors, and not survive to the Wife."
- 28 Topic 28 (Procedural Bills): Key words include 'decre', 'bill', 'discoveri', 'dismiss', 'injunct', 'review', 'chancellor', 'rehear'. A bill is a complaint to some court, and the prominent cases for this topic all concern bills that identify a problem with a procedural issue. Substantive issues are almost never mentioned. A typical statement would be: "This cause came on upon a rehearing, but the petition was for a rehearing upon the minits, and the decretal order never was drawn up; for which reason the court would not permit the plaintiff to proceed, but ordered the plaintiff to draw up the decree, and rehear upon that." Similarly: "A supplemental bill, in nature of bill of review, cannot be heard until a petition to rehear the original cause is presented, to come on at the same time; and so it was laid down by the Lord Chancellor: for though the plaintiff should be relieved upon his supplemental bill, the decree cannot be altered, but on the rehearing."
- 29 Topic 29 (Equitable Waste): Key words include 'wast', 'court', 'injunct', 'commit', 'tenant', 'restrain', 'impeach'. Top documents are equity cases where the decision is an injunction or a restraint concerning waste<sup>42</sup> on property, often involving tenants without impeachment of waste<sup>43</sup>. For example in one document: "A court of equity will not only grant an injunction to stay tenant for life, without impeachment of waste, from defacing the mansion-house, but will likewise oblige him to put it in the same plight." In another document: "Though a person be tenant for life, without impeachment of waste, yet this court will grant an injunction to restrain him from cutting down trees in lines or avenues, or ridings in a park, as they are for ornament."

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<sup>40</sup> A feme covert is a married woman.

<sup>41</sup> Coverture is the legal doctrine that upon marriage a woman's rights become her husband's.

<sup>42</sup> Damage to real property committed by a tenant.

<sup>43</sup> Not subject to an action for waste.

- 30 Topic 30 (Arbitration & Umpires): Key words include 'award', 'arbitr', 'umpir', 'submit', 'umpirag', 'arbitra', 'attach', 'releas', 'perform'. The complications in the top-ranked case are typical: "Debt upon an award, setting forth a submission to the award of A. and B. provided they make their award by such a day; and, if they did not agree, to the umpirage of such as they should chuse...The replication confessed that there was no award, but that the arbitrators had chose an umpire on such a day, which appeared to be within the time allowed them to make their award in; and sets forth the umpirage and breach. The defendant rejoined, that they had not chose any umpire after the last day which was allowed them to make their award to this a demurrer." Another case states: "Arbitrators, if they could not agree, were to choose an umpire; they make no award; and not agreeing about the person to be umpire, they throw cross and pile<sup>44</sup>, who should name him. The umpire chosen by lot makes his award. The Court set aside the award for that reason."
- 31 Topic 31 (Interacting in Court): Key words include 'plaintiff', 'defend', 'declar', 'appear', 'insist', 'billet', 'counsel'. Top documents are short depictions of instances of court interaction of plaintiff and defendant, often focused on how one of them did or did not appear in court, how oath taken, who demurred, how a party that appeared in court violated court order etc. For example, in one document: "The plaintiff made oath, that he heard the defendant confess he was served with a subpoena, and hath not appeared; therefore an attachment is granted..." Or: "The Plaintiffs desire to have a Bond made to them by the Defendant, to save them harmless against the Defendants three Daughters concerning certain Legacies bequeathed by the Testator to the defendants said three daughters, which the plaintiffs have paid to the defendant. And because the defendant, at the day of hearing appeared not, therefore referred to two Masters of this Court, to see whether it be proved that the plaintiffs paid the defendant the Legacies or no, to the use of his Daughters." In yet another document: "Francklin Plaintiff, Watkins Defendant, An Attachment granted against the Defendant for breach of an order of this Court."

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<sup>44</sup> Cross and pile is heads and tails.

- 32 Topic 32 (Nuisance): Key words include 'hous', 'repair', 'build', 'way', 'mill', 'erect', 'use', 'nuisanc'. This topic concerns the duties and rights connected with structures that are either helping or interfering with the passage of people, water, and light, for example a blocked road: "If a way lead to a market, and were a way for all travellers, and did communicate with a great road, &c. it is an highway; but if it lead only to a church, to a private house or village, or to fields, there it is a private way." One document states that: "Bridges, if they be without the city or town corporate, shall be made by the inhabitants of the shire or riding, within the which the said bridges decayed shall happen to be: and if they be within any city or town corporate, then by the inhabitants of every such city, or town corporate, wherein such bridges shall happen to be." It should be noted that not complying with a customary duty was viewed by the courts as a nuisance. Another document concludes that: "...the building of a house in a larger manner than it was before, whereby the street became darker, is not any publick nuisance by reason of the darkening."
- 33 Topic 33 (Transfer of Ownership Rights): Key words include 'feoff', 'grant', 'lesse', 'lessor', 'liveri', 'seisin', 'seiz', 'reenter', 'releas', 'revers', 'reentri', 'disseize', 'bargain'. Top documents clarify ownership rights in situations where property rights are transferred from one party to another. The most common scenario mentioned is the transfer of land, involving concepts such as feoffment<sup>45</sup>, reversion<sup>46</sup>, livery of seisin<sup>47</sup>, or reentry<sup>48</sup>. For example, in one document: "So where tenant for life, the reversion to the King, makes a feoffment; the reversion is not divested, and an estate for life only passe; yet it is a forfeiture." In another document: "Tenant for life made a feoffment of White-Acre, of which he was seised for life, and made a letter of attorney to deliver livery and seisin secundum formam chartae; before livery, the tenant purchased the fee; and afterwards livery was made: it was resolved by the Court in this case, that all passed."

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<sup>45</sup> An unconditional transfer of all ownership rights over property, including the right to sell and pass on the property to one's heirs.

<sup>46</sup> When a property owner makes a transfer of property to another party but retains some future right to the property.

<sup>47</sup> Transfer of possession and a ceremony during which the land was transferred from one party to another.

<sup>48</sup> Taking back possession and going into real property when e.g. a tenant has failed to pay rent or abandoned the property, or if the owner has regained possession by judgment.

- 34 Topic 34 (Procedural Rulings on Writs): Key words include 'sheriff', 'writ', 'return', 'capia', 'facia', 'process', 'execut', 'testa', 'latitat', 'supersedeas', 'elegit', 'summon'.<sup>49</sup> This focuses on the technicalities of whether writs are legal and have been processed legally. The word sheriff is important because Sheriffs were responsible for serving many types of writs. One case states: "A scire facias returnable on Monday after fifteen days of the Holy Trinity is good, when the proper return is on Sunday." Another asks "On what day a writ of enquiry is not proper to be made returnable." Yet another states: "If a fi fa. and a ca sa. be taken out, the fi fa. cannot be executed after the party is taken on the ca sa... The Court was of opinion, that the plaintiff might, for his own security, take out two writs, but he can execute but one; therefore this writ of fieri facias was quashed."
- 35 Topic 35 (Negotiable Bills and Notes): Key words include 'bill', 'note', 'accept', 'endorse', 'promissory', 'merchant', 'exchange', 'endors'. Top documents describe usage of bills of exchange and promissory notes, especially with regard to their negotiability (e.g., being transferable from one person to another with or without endorsement). For example, in one document: "In an action against the endorser of a note or bill the plaintiff must prove a demand, or an endeavour to make a demand upon the maker of the one or the drawer of the other within a proper time after the note or bill became payable." In another document: "Where a bill of exchange is payable to a man's order, that is to himself, if he makes no order; and if the party underwrites the bill presented such a day, or only the day of the month, 'tis such an acknowledgment of the bill as amounts to acceptance."
- 36 Topic 36 (Estate Tail): Key words include 'male', 'heir', 'estatetail', 'estat', 'remaind', 'testat', 'bodi', 'tail', 'son'. An estate tail is an estate limited to certain bodily heirs, and excluding others. One document pronounces: "...these Words conveyed an Estate-tail to A. and...that the settled Distinction was, where the Word Heir is in the singular Number." Another decides "If A. devises to B. for his natural Life, and after his Decease he gives the same to the Issue of his Body lawfully begotten on a second Wife; and for Want of such Issue to J. S. and his Heirs for ever; provided that B. may make a Jointure of all the Premises to such second Wife, which she may enjoy during Life; this is an Estate-Tail in B."

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<sup>49</sup> Capia, facia, latitat, supersedeas, and elegit are all writ-related terms.

- 37 Topic 37 (Timing of Property Rights): Key words include 'estat', 'remaind', 'tail', 'entail', 'estatetail', 'fee', 'tenant', 'life', 'revers', 'inherit', 'heir'. Top documents are about cases involving land and estate rights, clarifying which party has what rights when; that is, the focus is on the timing of specific rights. Thus there is emphasis on estate tail<sup>50</sup>, remainder<sup>51</sup>, and reversion<sup>52</sup>. For example, in one document: "A recovery suffered by tenant for life, in which he vouches the remainder-man in tail will not destroy a lease by the remainder-man, made to commence after the death of the tenant for life." In another document: "...if the estate tail be spent after this recovery, rent granted by the tenant in tail is gone; as dower determines by tenant in tails dying without issue; so reservations all fall with the original estate: but the reversion in fee is not chargeable, till the remainder in tail be spent."
- 38 Topic 38 (Pleadings on Debt): Key words include 'aforesaid', 'wit', 'counti', 'premis', 'verifi', 'attorney', 'plea', 'obligatori', 'behalf'. The cases focus on the various pleadings to which creditor and debtor have access, especially focusing on the bill and the counter pleading. A typical opening of a report is: "...came Stephen Robins...and brought into the Court of the said lord the King then there his certain bill against John Robins, gentleman, in the custody of the marshal, &c. of a plea of debt." And then the typical end is: "And the said Lucas and Susannah, because that they above have pleaded sufficient matter in law for quashing of the said writ of the said John, against them the said Lucas and the said Susannah, as the sister and heir of the said Thomas Bostock, now sued out; which they are ready to verify: which matter the said John doth not deny, nor to the same in any wise answer, but altogether doth refuse to admit the verification thereof, pray judgment and that the said writ for the reason by them before alledged may be quashed."

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<sup>50</sup> See topic Estate Tail.

<sup>51</sup> A future interest that becomes possessory upon death of the person who, by the virtue of the same legal instrument, received ownership over the property for duration of his or her life (life estate).

<sup>52</sup> See topic Transfer of Ownership Rights.



- 39 Topic 39 (Specifying Inherited Property Rights): Key words include 'devis', 'land', 'devisor', 'will', 'heir', 'estat', 'word', 'claus', 'inherit', 'pass', 'bequeath', 'give', 'chattel'. Top documents are about testamentary disposition of property rights, especially in land, but also other property. The focus is on who gets what under the given wording of a will, whether certain rights can in fact be passed down, and what would the rights be when receiving an inheritance. For example, in one document: "A. devised all that his Messuage<sup>53</sup> and Tenement in E. to F. and his Heirs, and all the rest, &c. of his Messuages, Lands, &c. in E. and elsewhere to J. L. in Fee. F. the Devisee died in the Life-time of the Testator, so that this became a lapsed Devise by his Death... In Ejectment the sole Question was, Whether this latter Clause of the Will would carry over the lapsed Devise to J. L. the residuary Devisee; or whether it should descend to the Testator's Heir at Law?" In another document: "By devise of all the rest of his goods, chattels, leases, estates, mortgages, &c. to his wife, passed but an estate for life....the question was, whether the reversion of the manor passed or no."
- 40 Topic 40 (Correct Pleas): Key words include 'plead', 'plea', 'demurr', 'show', 'bar', 'travers', 'matter', 'issu'.<sup>54</sup> The cases consist of pithy statements of when pleas are allowed. The top document states: "Plea amounting to the general issue is form only. Plea amounting to the general issue, good upon a general demurrer." The second pronounces: "To a plea in abatement tho' the plaintiff replies issuable matter he may conclude with an averment. But to a plea in bar, he must in such case tender issue."
- 41 Topic 41 (Evidence Gathering & Admissibility): Key words include 'wit', 'evid', 'examin', 'oath', 'swear', 'deposit', 'proof', 'interrogatori', 'testimoni', 'trial', 'crossexamin', 'fact', 'admit'. Top documents are about ways of collecting evidence (e.g. when a certain witness may be examined, when a deposition can be amended) and on what constitutes admissible evidence in a given situation (e.g. when a deposition may be read, when further witnesses may be examined). For example, in one document: "The Plaintiff hath taken Oath, that certain Depositions of witnesses examined on his behalf in perpetuum rei memoriam, and remaining in this Court, are to be given in evidence at the Common Law, therefore publication is granted of the said witnesses." In another document: "The plaintiff had an order to prove a deed viva voce; at the hearing it happened, that all the witnesses to the deed were dead, and the plaintiff produced a witness at the hearing to prove their hands, and this he could not be admitted to do."

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<sup>53</sup> A house with farm buildings and land.

<sup>54</sup> A demurrer is a pleading that challenges another's pleading. A traverse is a denial of a plaintiff's assertions.

- 42 Topic 42 (Implementing Ambiguous Wills): Key words include 'legaci', 'testat', 'legate', 'codicil', 'devis',<sup>55</sup> 'executor', 'residuari',<sup>56</sup> 'testatrix',<sup>57</sup> 'bequest', 'surplus', 'estat'. All cases are of the type where A said that B and C should be willed something after A died, but it was not clear what, or exact implementation was impossible, etc. For example: "A. made his Will, to the Effect following, I dispose of my Estate after-mentioned...and then gives several Legacies to his Relations, amounting to near the Value of his Estate...the Testator lived ten Years after, and acquired an additional Estate, and died, not having altered, nor new published his Will...the new acquired Estate should go to the Legatees in Proportion to their Legacies." Or: "One bequeaths to her grandchild A. some of her best linen; this void for uncertainty; yet the Court recommended it to the executor to give some of the best linen to the legatee. A bequest of such of the best linen as the executor should think fit, or as the legatee should choose, had been good."
- 43 Topic 43 (Employment of Apprentices & Servants): Key words include 'master', 'apprentic', 'servant', 'wage', 'employ', 'work', 'retain', 'discharg', 'salari'. Top documents describe the rights and obligations of servants and apprentices, as well as the rights and obligations of their masters. For example, in one document: "An apprentice cannot hire himself without his master's consent." In another document: "If the master of one ship takes a servant that belongs to the master of another ship, whatsoever wages he receives from the King upon his account, shall be to the use of his first master, being acquired by the labour and industry of his servant."
- 44 Topic 44 (Implementing Trusts): Key words include: 'truste', 'trust', 'estat', 'chariti', 'profit', 'decre', 'convey', 'charit', 'beneficiari'. Cases concern the implementation as opposed to design of trusts, and the rules to determine what is legal in implementation. One top document states that: "The Time for the Sale of Lands by Trustees being elapsed, so that the Trustees have no Power to execute the Trust; this Court with the Assistance of the Judges, were of Opinion, that by the Elapse of Time, no Advantage ought to be taken, but decreed the Trustees to proceed with the Sale notwithstanding." Another announces that: "Two trustees for sale of an estate join in a conveyance of it to a purchaser, and in a receipt for the consideration-money; but each of them received only a moiety thereof. One of them afterwards becomes insolvent; the other shall not be answerable for what the insolvent trustee received."

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<sup>55</sup> A gift of real property in a will.

<sup>56</sup> A part of an estate that is not specifically devised to somebody, or is part of a will that is ruled invalid.

<sup>57</sup> Female testator.

- 45 Topic 45 (Rights of Public Office): Key words include 'parliament', 'privileg', 'member', 'baron', 'bench', 'lord', 'hous', 'judg', 'arrest'. Top documents clarify the rights of important office holders (such as members of parliament, serjeants who become judges). The cases outline, for instance, who can be a judge in parliament, when a king can create a dignity, when a clerk loses privilege as a court officer, what constitutes privilege of attorney, what happens with a judge's title and rights in a transfer from one court to another. For example, in one document: "King's Serjeant by accepting of a Judge's place, loses his place of King's Serjeant, not of a serjeant." In another document: "The House of Lords and House of Commons can alone determine and decide upon their own privileges, orders, and customs."
- 46 Topic 46 (Manorial Tenures): Key words include 'manor', 'copyhold',<sup>58</sup> 'surrend', 'lord', 'custom', 'tenant', 'land', 'hold', 'estat', 'parcel', 'freehold'. A typical ruling is: "Defendant pleads, that the lands are antient demesne of the Crown, and time out of mind were parcel of the manor of Bray, and that Bray is antient demesne...If it be part of the manor, then it cannot be held of the manor, nor impleadable in the manor court; and it should have been shewn that they are held of the manor." Another document states: "Judged and affirmed in error, that a Manor may be copyhold, and a manor notwithstanding, and be held by custom of another manor: as the manor of Warfield has been held of the manor of Walgrave, time whereof memory, &c. and upon issue whether there be such a custom or not, a trial out of the manor of Walgrave is well."
- 47 Topic 47 (Elizabethan Land Cases): Key words include 'elizabeth', 'case', 'queen', 'land'. Top documents are short descriptions of cases referring to Queen Elizabeth I or her reign in some capacity and involving primarily land-related matters. For example, in one document: "The case was, Curson acknowledged a statute to Alderman Starkey, and afterwards acknowledged another to Hampdem, which was assigned to the Queen; afterwards, the lands of Curson were extended for Starkey, and a liberate thereof. It was holden by the Court, that the same was a good execution, and that the Queen should not avoid it: but if the land had been extended at the suit of the Queen, then the execution of the Queen should hold place, although it were a statute of a puisne date....32 ELIZ. IN THE EXCHEQUER". In another document: "TRIN. 27 ELIZ. IN THE EXCHEQUER. Fine for Alienation without Licence. Note, it was holden by the barons, that for fines for alienation without licence, not only the land aliened, but the other lands of the alienor shall be chargeable."

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<sup>58</sup> Copyhold tenure was tenure of land held according to the custom of the manor.

- 48 Topic 48 (Governance of Private Organizations): Key words include 'colleg', 'visitor', 'power', 'bishop', 'univers', 'fellow', 'hospit', 'visit', 'shall', 'scholar', 'give', 'corpor'. The typical issue is that a person establishes an organization and the rules say that there should be a 'visitor': somebody who is the overall governor, but who only has limited rights to supervise and make decisions. Then when the visitor makes a decision, the court decides who has jurisdiction over the matters relevant to this decision. Thus: "The question therefore is, whether the vice-chancellor and convocation are visitors of this college?" And: "the Earl of Pembroke was visitor, that there was no remedy against the judgment of the visitor, though unjust, or tho' he refuse to accept an appeal." One case pinpointed two questions: "The first, whether or no, by the constitution of this college, the Bishop of Exeter had power in the case to give a sentence? The second is, supposing he had such a power, whether the justice of this sentence is examinable in this Court upon this action? I am of opinion that the bishop had power, by the constitution of the college, to give a sentence; and having that power, the justice thereof is not examinable in a Court of Law, upon any action concerning the bishop's power....."
- 49 Topic 49 (Trespass to Goods):<sup>59</sup> Key words include 'trespass', 'take', 'close', 'enter', 'enclos', 'assault', 'fish', 'arrest', 'guilti', 'damage', 'justif'. Top documents focus on ascertaining whether trespass occurred in a given situation and if the plaintiff is entitled to damages as a result, where personal property was the item in question. For example, in one document: "...an action of trespass quare vi et armis, &c. will not lie against the owner of the soil. It was compared to a free warren in the soil of another, and trespass quare vi et armis in libero warrena sua latibula ejusdem warrenae prostravit will not lie: the proper remedy is a special action on the case for the wrong done; and so it ought to have been here. Secondly, it does not lie for taking fishes in libera piscaria. To fish in libera piscaria is the same thing as to fish in communi piscaria; and a commoner cannot bring an action of trespass for any thing done upon the common." In another document: "Trespass was brought quare pisces suos cepit, without shewing the number, or of what nature they were. And therefore naught."

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<sup>59</sup> In the period covered by the cases, trespass was a very general term indicating some wrong, but this topic centers on the modern, narrower, term referring usually to entry into another's land.

- 50 Topic 50 (Possession & Title): Key words include possess', 'titl', 'seiz', 'right', 'eject', 'enter', 'claim', 'entri', 'tenant', 'law'. One type of case examines whether a landlord did enough to establish a claim: "Ejectment<sup>60</sup> is brought against a lessee by the lessor, on a condition of re-entry for non-payment of rent; and upon the trial, it was insisted, that an actual entry and ouster was necessary." Or: "...there is in ejectment a rule for confessing lease entry and ouster, and whether this be sufficient without proof of actual entry is the question." Another set of cases focuses on whether possession conveys title: "...if A. has had possession of lands for twenty years without interruption, and then B. gets possession thereof, upon which A. is put to his ejectment...yet the possession of twenty years shall be a good title in him." Or: "Twenty years possession is a good title in ejectment for the plaintiff, as well as defendant."
- 51 Topic 51 (Daughters' Legacies): Key words include 'marriag', 'daughter', 'portion', 'father', 'settlement', 'consent', 'condition'. Top documents involve the conditions (e.g., marriage with mother's or/and father's consent, turning 21 years old, etc.) under which a daughter is entitled to a trust or legacy, usually created by the father. For example, in one document: "In the Settlement of an Estate on two Daughters was a Proviso, that if either of them should marry without the previous Consent in writing, of the Mother, the Moiety settled on such Daughter should be to her separate Use." In another document: "The eldest Daughter attained eighteen on 16 August. The Question was, If any Proportion of the Maintenance was to be paid from the Lady Day to the 16th of August, when the Portion became due?"

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<sup>60</sup> Ejectment is a civil action to recover land.

- 52 Topic 52 (Uses<sup>61</sup>): Key words include 'use', 'heir', 'feoff',<sup>62</sup> 'seiz', 'land', 'shall', 'estat', 'fee', 'make', 'convey'. The facts of one case were: "Edward Cosins, seised of lands in fee, makes a settlement by deed...to the use of himself and his heirs, until a marriage should take effect, and then to the use of his wife during her life..." Followed by a complication: "The marriage took effect, E. Cosins hath no issue male by that venter,<sup>63</sup> but only one daughter, married to Tipping, and they had issue Lucretia Tipping, the lessor of the plaintiff; but afterwards he had another daughter by another venter, and then Levies a fine<sup>64</sup> with warranty." Then a decision "the warranty had no effect in this case, by reason of infancy, &c. and that the estate passed by the fine was defeated." Similarly, the facts: "Waterton makes a feoffee to the use of Loadman, in fee to the use of another in taylor, the remainder to his right heirs in fee." Complication: "Cestui que use in taylor dyes, the first feoffees enter, for to recontinue the use." Decision: "when tenant in taylor in use makes a feoffment, nothing passes but for his own life...where cestui que use pur vie, makes a feoffment in fee...then when the feoffee dyes during the life of cestui que use in taylor, that cannot be any descent of the fee, but as an estate for life."
- 53 Topic 53 (Wrongful Possession): Key words include 'good', 'trover', 'properti', 'sale', 'sell', 'take', 'convers', 'convert', 'deliv', 'detinu', 'chattel', 'owner', 'bailment', 'deliv'. Top documents describe cases where ownership of goods, often obtained in possession via wrongful taking or purchasing of stolen goods, is ambiguous and hence ownership rights must be established. Many cases involve trover<sup>65</sup>, detinue<sup>66</sup>, and bailment<sup>67</sup>. For example, in one document: "Galliard brought an action upon the case against Archer; the plaintiff declared, that he himself was possessed of certain goods, which by trover came to the hands of the defendant, who hath converted them to his own use: the defendant pleaded, that, before the trover supposed, one A. was possessed of the said goods as of his proper goods, and sold them to the defendant, and that he had not any notice that the said goods were the goods of the plaintiff, upon which the plaintiff did demur in law." In another document: "...it was adjudged to be law by the whole Court, that if a man bail goods to another at such a day to rebail, and here the day the bailee doth sell the goods in market overt: yet at the day the bailor may seise the goods, for that the property of the goods was always in him; and not altered by the sale in market overt."

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<sup>61</sup> In real property law, a use is the duty of a person to carry out the purposes that are the conditions of property conveyance.

<sup>62</sup> See topic Transfer of Ownership Rights.

<sup>63</sup> Womb.

<sup>64</sup> A mode of conveyance.

<sup>65</sup> An action for recovery of damages for wrongful taking of personal property. Trover aims for recovery of only the value of the taken property, but not the recovery of the property itself.

<sup>66</sup> Another action for recovery of damages for wrongful taking of personal property. Detinue is initiated by the individual who claims to have a greater right to the immediate possession of certain property than the current possessor. Detinue allows for both a remedy of damages for the value of the property and the recovery of the specific property being withheld.

<sup>67</sup> A legal relationship where physical possession of personal property is transferred from one person (the bailor) to another person (the bailee), typically for purposes of safekeeping.

- 54 Topic 54 (Rental Payments): Key words include 'rend', 'reserv', 'land', 'year', 'arrear', 'pay', 'demand', 'tenant', 'due', 'render'. The cases focus on whether rental payments were paid in an amount and at a time as agreed. A top case states: "The Dean and Chapter of Wells lease to B. land for 21 years, rendring 41. rent, to be paid quarterly, &c. B. assigns the moity for years to I. S. paying the half of all such rents as are payable to the dean and chapter. It was said by the Court, that the assignee I. S. must pay to B. the rent quarterly." Another states: "...the plaintiff leased to the defendant the said house for seven years, rendering rent at the Feasts of the Annunciation of our Lady and Saint Michael, &c. with condition, that if the said rent shall be behind by the space of ten days, &c. that it shall be lawful to the lessor to re-enter: and afterward at the Feast of the Annunciation, the rent was behind, and the tenth day after the lessor came to the said house a quarter of an hour before the sun setting and demanded the rent...the issue was, if he came to the house half an hour before sun set and there continued demanding the half years rent of the premises due at the Feast of the Annunciation of our Lady, then last past."
- 55 Topic 55 (Clarifying Legislative Acts): Key words include 'act', 'word', 'parliament', 'enact', 'legislatur', 'preambl', 'power', 'extend', 'vest', 'proviso', 'claus', 'intent', 'construct', 'express', 'mean', 'make'. Top documents revolve around legislative acts, focusing on their wording, the legislator's intention, and the act's relevance in a given context. For example, in one document: "The question being upon the construction of the late Land-Tax Act; it was held, that where the proviso of an Act of Parliament is directly repugnant to the purview; the proviso shall stand and be a repeal of the purview, as it speaks the last intention of the makers...". In another document: "...it was the opinion of all the Judges, upon a consultation had amongst them, that the late Act of 2 G. 2, c. 22, (for the Relief of Insolvent Debtors with Respect to the Imprisonment of their Persons) being expired, nothing further can be done upon that Act: but that they are within the provision of the new Act."
- 56 Topic 56 (Reviewing Local Orders): Key words include 'quash', 'session',<sup>68</sup> 'churchwarden', 'overs', 'certiorari',<sup>69</sup> 'order', 'poor', 'rate', 'justic'. All the top cases are about judicial review of the orders of Justices of the Peace<sup>70</sup> at the quarter sessions: "Order of two justices for the removal of a poor person must be made upon complaint of the churchwardens and overseers of the poor...Moved to quash an order of two justices of the peace for the settlement of a poor person, &c." Most of the top cases are about the poor laws, but a few are not: "Order of bastardy vacated at sessions; the appeal was to the next General Quarter-Sessions, when it should be to the next Quarter-Sessions. Two justices of the peace for the county of Essex adjudged Shaw to be the reputed father of a bastard-child, and by their order he was charged to maintain it."

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<sup>68</sup> Inferior court.

<sup>69</sup> A writ causing review of a decision.

<sup>70</sup> Unpaid justices appointed by the Crown to carry out local legal functions including trying misdemeanors.

- 57 Topic 57 (Jury Procedures & Trials): Key words include 'verdict', 'trial', 'juri', 'juror', 'trial', 'panel', 'venir', 'find', 'tale', 'jeofail'. Top documents discuss proper use of jury procedures and aspects of jury trials. For example, in one document: "It is a mis-trial if any juror who has been challenged by the parties, afterwards tries the cause". In another: "A man challenged as a juryman cannot be sworn as a talesman<sup>71</sup>." Or: "The plaintiff and defendant are at issue; a jury is returned, and it not being full, the plaintiff prays a tales; the jury Sur le Distress. by the tales is returned full; the plaintiff challenges the array for kindred between the sheriff and the defendant; it is so found by the triers, and the array is quashed; a venire facias issues to the coroners, to try the said issue: the plaintiff has a verdict for him and judgment affirmed in error. For although the plaintiff prayed the tales, the time was not come to challenge the array, until the jury was full.... A juror may be challenged for a cause arising after he is sworn, and not in esse at the time when he was sworn. The array cannot be challenged after a juror is sworn."
- 58 Topic 58 (Prioritizing Claims): Key words include 'estat', 'debt', 'person', 'real', 'charg', 'shall', 'payment', 'creditor', 'pay', 'asset', 'liabl', 'sell'. A typical case exemplifies the issues: "...where a real estate is upon an equitable title, made subject by this Court to the payment of debts, and it appears that there is a sufficient legal estate...to satisfy debts upon specialties, for which the creditors may have remedy at law against the executor; in such case the debts upon simple contractor for which there is no remedy at law, shall be first satisfied out of the equitable estate." Or: "If there is a Debt owing to the King, Equity will order it to be paid out of the Real Estate, that other Creditors may have Satisfaction of their Debts out of the Personal Assets." Or: "A Debtor upon Bonds and simple Contract makes a Conveyance of Lands upon Trust to sell for Payment of his Debts. It was declared to be the constant Practice, and so ruled and decreed here, That all the Debts should be paid in Proportion."
- 59 Topic 59 (Motions): Key words include 'affidavit', 'court', 'rule', 'motion', 'move', 'proceed', 'venu'. Top documents all involve motions, e.g. to change venue, enlarge a rule, set aside judgment, stay proceedings, attachment against a person. For example: "Eyre moved to change the venue from the county of Cumberland to the City of London upon the common affidavit, and obtained a rule to shew cause..." In another document: "On a motion to set aside a judgment and a writ of inquiry it was insisted that the matter was transacted in the country against the settled practice of the Court...". Or: "A motion for an attachment and rule nisi against Hodgson an attorney for commencing a suit in his own name after he was forejudged; on shewing cause the rule was made absolute and an attachment granted against him."

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<sup>71</sup> A bystanders chosen to serve on a jury, normally to ensure a sufficient number of jurors.



- 60 Topic 60 (Temporal & Spiritual Jurisdiction): Key words include 'law', 'man', 'marriage', 'canon', 'punish', 'ecclesiast', 'god', 'power', 'license'. These are cases concerning the limits of the jurisdiction of spiritual courts. For example: "Prohibition to the Spiritual Court, in the Case of an incestuous Marriage, &c. A Marriage with the first Wife's Mother's Sister is incestuous." And: "from the time limited by the Act, no reservation or prohibition (Gods law excepted) should trouble or impeach any marriage without the Levitical degrees.<sup>72</sup> And that no person shall be admitted after the time limited by the Act, in any of the Spiritual Courts within this kingdom, to any process, plea, or allegation contrary to the Act."
- 61 Topic 61 (Contract Interpretation & Validity): Key words include 'agreement', 'contract', 'bargain', 'mutual', 'write', 'agree', 'specify', 'sign', 'perform', 'execute', 'fraud'. Top documents revolve around interpretation of the meaning of a contract in a given setting. Cases describe the contract in detail and then often interpret what is meant by a given contract or agreement, what the resultant duties and obligations are, and if a contract is a legally valid one. For example, in one document: "Marriage was consummated; and on a Bill brought to have a specific Performance of the Agreement, Lord Chan decreed it to be within the Statute of Frauds, and said, he knew no Case where an Agreement, though wrote by the Party himself, should bind, if not signed, or in Part executed by him". Or in another document: "If a Man (being in Company) makes Offers of a Bargain, and then writes them down, and signs them, and the other Party takes them up, and prefers his Bill; this shall be a good Bargain, and the Party shall be compelled to a specific Performance."
- 62 Topic 62 (Ownership of War Bounty): Key words include 'ship', 'insure', 'cargo', 'admiralty', 'voyage', 'freight', 'port', 'policy', 'capture', 'sail'. The cases are all in Admiralty Court and all at the time of the Seven Years War. They all involve a similar structure: ship of nationality A is captured by the English and the question is who owns the ship and/or the cargo. "A Dutch ship sailed with a lading of timber to Senegal (before it was taken by the English), delivered it to the French Government, there took in a cargo of gum, which was to have been delivered at Port l'Orient. She had a French paw procured for this voyage. Was taken on her return by an English privateer...The Judge of the Admiralty condemned the ship and goods as lawful prize." Or: "A Spanish ship took in a lading of flour, brandy, and wine at Bordeaux, with which, having touched at Bilboa, but without breaking bulk, she sailed for Gaspey, then part of the French king's dominions in America. In her voyage thither, 29th June 1758, she was taken and carried into Newfoundland...The Judge of the Vice-Admiralty condemned ship and cargo."

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<sup>72</sup> An act in the time of Henry VIII defined incest as a relationship within the degrees of closeness defined in the Book of Leviticus.

- 63 Topic 63 (Writs of Error): Key words include 'judgement', 'error', 'writ', 'revers', 'erratum', 'erron', 'supersedeas'. Top documents outline the procedures that must be followed for addressing various errors of fact or law, often with reference to other (e.g. inferior) courts. For example: "Every judgment ought to stand in force until it be reversed by error, attain or certificate of assise." Or: "If judgment be given for the defendant in the King's Bench, and a writ of error be brought thereon, and judgment reversed in the Exchequer-Chamber, the Exchequer-Chamber must give the interlocutory judgment quod quer recuperet, and this Court award the writ of enquiry of damages...". Or: "In a writ of error brought to reverse a judgement given in an Inferior Court, the error assigned was, that the judgement is quod recuperate debeat, whereas it ought to be recuperate debet. Roll Chief justice answered, that if it be so, there is no judgement given, and go no writ of error lies, therefore let the writ be abated."
- 64 Topic 64 (Competing Land Claims): Key words include 'land', 'tenant', 'demand', 'writ', 'fitzherbert',<sup>73</sup> 'law', 'assiz', 'seiz'. In all the top cases A has some sort of claim to land and B challenges it in some way, or there are dueling writs. Thus: "A. has right to recover in a formedon<sup>74</sup> against B. tenant of the land, A. by covin<sup>75</sup> with C. causes C. to disseise<sup>76</sup> B. to the intent that C. should make default in a formedon against him, and that A. should recover by default; A. recovers the land against C. accordingly by this covin, by default or confession; A. enters, he is not remitted; B. enters, and A. ousts him. Resolved by all the sages in parliament, that this covin makes A. a disseisor of his own land." Or: "...the lord has no benefit by this disclaimer: for the tenant cannot lose his tenancy by the disclaimer of the mesne; and the lord has not more or better, or other services than before the disclaimer. A writ of right of disclaimer lies, where both mesne and tenant disclaim: if the disclaimer be in a court of record, a writ of right lies upon the disclaimer." Or: "If A. giveth unto B. a manor, except 10 acres in tail, there, if after upon any discontinuance, the issue in tail is to have a formedon; in such case, there needs not any foreprise<sup>77</sup> for the said 10 acres, for they were severed from the manor upon the gift: but if lands in demand be several, as 20 acres, except 2 acres, this foreprise is not good."

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<sup>73</sup> A legal scholar who wrote widely used treatises on pre-16<sup>th</sup> century law.

<sup>74</sup> A writ to recover lands and tenements.

<sup>75</sup> Conspiracy.

<sup>76</sup> Dispossess.

<sup>77</sup> An exception or a reservation.

- 65 Topic 65 (Geographic Jurisdiction of Laws): Key words include 'england', 'ireland', 'scotland', 'wale', 'kingdom', 'hundr'. Top documents revolve around the applicability of English laws in cases involving subjects from other jurisdictions or the applicability of local (e.g. county) rules in other localities. For example: "...the plaintiff replied, that Jamaica is an island beyond the seas, which was conquered from the Spaniards in the time of Q. Elizabeth, and the inhabitants are governed by their own laws, and not by the laws of England". Or: "It is not necessary that the notice required by the 27 Eliz. c. 13. in hue and cry should be within the county; if it be given near to the place where the robbery was committed it is sufficient."
- 66 Topic 66 (Excluding Beneficiaries of Wills): Key words include 'alien', 'heir', 'inherit', 'shall', 'disabl', 'law', 'land', 'blood', 'descent', 'forfeit', 'ancestor', 'papist'. All cases concern situations where the law prohibits a designated legatee from inheriting. For example: "It has been adjudged that a Papist may devise to a Protestant; in which Case it was agreed that where an Ancestor dies seised of an Estate of Inheritance, it descends upon and vests in his Heir (though a Papist), for the Benefit of his Heirs, and the next Protestant Kin has always a Right to the Reception of the Profits during the Nonconformity of the Heir." Or: "It was held by the Judges, that in the case of an attainder of felony, the forfeiture of the estate to the lord is only by way of escheat<sup>78</sup>...and the not descending is the consequence and effect of the corruption of blood or incapacity."
- 67 Topic 67 (Procedural Rulings on Actions): Key words include 'action', 'bring', 'lie', 'debt', 'case', 'sue', 'recov', 'recoveri', 'remedi', 'debet'. Top documents focus on whether various forms of legal action, e.g. action of debt or action on the case, have satisfied procedural requirements.<sup>79</sup> For example, in one document: "The plaintiff recovered in an action brought against the defendant for a malicious prosecution; upon which judgment he brings an action of debt, and recovers; and upon that judgment brings another action of debt. Now the question that came before the Court was, whether the defendant should give special bail in this case?" In another document: "...an action upon the case will lie against one that brings vexatious actions against another, or for entering of actions of a great value, to force his adversary to put in great bail, where he hath but small cause of action."

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<sup>78</sup> The state taking ownership where there is no legal owner.

<sup>79</sup> Legal action that provides a remedy in the event of harm that has been caused by a person's actions indirectly. Action on the case differs from trespass in that the former redresses more indirect injuries created by trespass, thereby often supplementing the action of trespass.

- 68 Topic 68 (Bankruptcy): Key words include 'bankrupt', 'creditor', 'assigne', 'debt', 'bankruptci', 'assign'. Cases focus on the assignment of the bankrupt's estate. "A bankrupt, though he has conformed in every respect to the acts relating to bankruptcy, cannot be discharged from a commitment under an extent<sup>80</sup> of the crown. ... The crown is not within the statutes of bankrupts, and therefore he cannot be discharged from a commitment on behalf of the crown." Or: "Martin Unwin makes an assignment of debts due to himself, in order to secure the sum of pound 500 due to the plaintiffs, and for their security against a recognizance entered into by them on his behalf, and a month afterwards becomes bankrupt: Held, that the assignment is good and not fraudulent against the other creditors of the bankrupt."
- 69 Topic 69 (Claims from Financial Instruments): Key words include 'pound', 'annuiti', 'hundr', 'cent', 'annum', 'thousand', 'valu', 'per', 'southsea', 'ayear', 'secur', 'stock', 'rate', 'dividend'. Top documents describe instances of resolving monetary claims concerning bonds, stocks, dividends, mortgages, annuities. For example, in one document: "The Question was, Whether a Trustee of South-Sea Stock should answer to the Value of the Stock when sold by him, or only be accountable for the Stock and Dividends?" In another document: "...the single question insisted on Was, whether a mortgagee having received interest upon an old mortgage after the rate of pound 8 per cent after such time as the interest was reduced to pound 6 per cent by the statute, should allow or discount the pound 2 per cent toward satisfaction of the principal."
- 70 Topic 70 (Validity of Wills): Key words include 'deceas', 'will', 'depon',<sup>81</sup> 'lee', 'wit', 'believ', 'know', 'see', 'prove'. The top cases are all those of George Lee in probate court and all deliver rules on wills. Examples are: "Will set aside on the ground of fraud and for failure of proof with respect to handwriting."; "I was of opinion this will was made to secure a debt... and therefore I pronounced against the will."; "The latter of two wills established."; and "The deceased was then very near death, the last will must be presumed to have been made by importunity, or a weak head, and therefore was not good."

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<sup>80</sup> An authorization that a creditor can take temporary possession of a debtor's lands.

<sup>81</sup> A deponent is a person who gives out-of-court testimony under oath.

- 71 Topic 71 (Habeas Corpus): Key words include 'bail', 'prison', 'habea', 'corpus', 'escap', 'custodi', 'gaol', 'gaoler', 'discharg', 'capia', 'remand'. Top documents are about decisions on when a person is detained or discharged from prison, often in the context of a bail system. Habeas corpus is the focus, or provides the background, for nearly all the top cases. For example: "Coleman moved for a supersedeas<sup>82</sup> to a procedendo<sup>83</sup> on a cause removed out of London by habeas corpus, and bail put in here, after which the principal rendered himself in discharge of his bail, but by covin had provided persons that rescued him out of the hands of the tipstaff, which, per Curiam, is no render at all, being ineffectual." Or: "When a person comes to this Court upon a habeas corpus, and the Court thinks fit to turn him over to the marshal, they commit him for no other matter than for the cause or causes returned on the habeas corpus".
- 72 Topic 72 (Coke's Procedural Rulings): Key words include 'case', 'justic', 'good', 'fol', 'coke', 'law', 'jame'. A majority of the cases are from when Coke was Chief Justice of the King's Bench. The cases cover a wide spectrum of substantive areas of law, instead focusing on the procedural rules for pursuing cases in these areas. Examples are: "A replader<sup>84</sup> after demurrer<sup>85</sup> cannot be without the assent of the parties."; "In an action of debt brought by an executor...the defendant by plea sheweth, that the party which was dead, died intestate, and that letters of administration were granted unto him, and takes a travers,<sup>86</sup> ...that the plaintiff is executor; whether this be a good travers or not was the question."; "When the case is adjourned thither, if a Judge dies,.. but to proceed; and if one of the Judges have there argued, and afterwards one of the Judges dies; the matter is not to stay, till another Judge be made, but the same is to proceed, and a new Judge being made."; and "As the case is here found, the surrender is very defective, and also repugnant; if the same had been well found, the plaintiff then might have had it, but not as the case is now here before us...We all resolve the law in this case, to be against the plaintiff but he may be aided by better proof in another action, but not in this."
- 73 Topic 73 (Tithes): Key words include 'tith', 'vicar', 'parish', 'titheabl', 'pay', 'modus'. Top documents are about determining tithes, clarifying exceptions from having to pay tithes, and specifying who is entitled to proceeds from tithes. For example, in one document: "...the question was, if tithes of flax, being sown in the common field, are minutae decimae, and belong to the vicar, who was endowed de minutis decimis, or great tithes, and belong to the parson." In another document: "Though Beasts of the Plough are exempt from paying Tithes, because by the Labour of such Cattle Tithes of another Kind arise...".

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<sup>82</sup> A writ that suspends the authority of a trial court to issue an execution on a judgment that has been appealed.

<sup>83</sup> A writ that sends a case from an appellate court to a lower court with an order to proceed to judgment.

<sup>84</sup> A second pleading.

<sup>85</sup> See topic Correct Pleas.

<sup>86</sup> See topic Evidence Gathering & Admissibility.

- 74 Topic 74 (Bonds): Key words include 'bind', 'condit', 'oblig', 'debt', 'releas', 'perform', 'void', 'discharg', 'obligor', 'oblige', 'sureti', 'thing', 'forfeit', 'payment'. The cases concern bonds, ones with penalties to ensure debt payment, or ones to ensure some other commitment was made (building to certain specifications), or ones to respect the decisions of arbitrators. The cases concern what obligations A actually has to B and whether these obligations have been satisfied. One top case states: "The Court all clear of opinion, that this was a meer void condition, the same being altogether insensible, and not compulsory, as the same ought to be, and so the obligation is single, and without condition." Or: "A. is bound to B. in an obligation, conditioned to stand to the arbitrement of C. so that the arbitrement be made before 15 Mich and that the obligor shall have notice of it fourteen days before 15 Mich to attend the said arbitrement; and the 15 Michaelis is fourteen days before the date of the said obligation; and so the notice is impossible to be performed: this obligation is good, and the condition void."
- 75 Topic 75 (Publishing & Copyright): Key words include 'print', 'printer', 'copyright', 'publish', 'book', 'right', 'copi'. Top documents are about publishing, printing, and copyright issues. For example: "Whether copyright subsists in authors, as a valuable property, independent of the Stat. 8 Ann....Action on the case, for selling certain books called the Spectators, printed without any license or consent from the sole and true proprietors of the copy thereof, viz the plaintiffs, to their injury and damage." In another document: "Upon a bill brought by the king's printer to restrain the defendant from the publication of certain acts of parliament, &c. to which the patentees for printing law books were also defendants, the court refused to interfere between the contending patents, and therefore only restrained the defendant from printing at any other than a patent press."
- 76 Topic 76 (Restraints on Trade): Key words include 'trade', 'compani', 'use', 'sell', 'bylaw', 'licenc', 'make', 'buy', 'may', 'penalti'. The cases concern whether private entities can have a right to restrain trade in some way and then whether localities can pass by-laws to enforce such restraints. In one top document: "A bye-law made by the Company of Horners of London, that none of the company shall buy horns within twenty-four miles of London, except two persons appointed by the company, is void; for they have not jurisdiction to that extent." Or in another document: "A bye-law of the City of London inflicting a penalty on any person who should employ a porter not a freeman of The Porters Company is void; but a bye-law that none but a freeman shall do portorage-work is good."

- 77 Topic 77 (Shared & Divided Property Rights): Key words include 'one', 'two', 'three', 'sever', 'whole', 'joint', 'common', 'tenanc', 'moieti', 'divid', 'undivid', 'survivor', 'residu', 'partit'. Top documents are about resolving situations where property rights are divided, or jointly held, by multiple parties. For example, in one document: "One devises the manor of S. to two and their heirs between them to be equally divided, so that they shall have part and portion alike. If by that they have a joint tenancy, or a tenancy in common<sup>87</sup> was the question, because there was an act to be done for making the division." In another document: "...if two houses are inhabited by two families, and there is but one common door where both enter, yet, in respect of their original, which is several<sup>88</sup>, they continue several houses".
- 78 Topic 78 (Equity Appeals): Key words include 'appel', 'respond', 'say', 'order', 'decre', 'shall', 'caus', 'appeal', 'hear'. The top cases span the gamut of commercial activities of the time. All are appeals to the House of Lords, from Equity Courts. The top case contains the following: "The appellant made this case: That being Colonel of a Regiment of Dragoons, he, 10th March, 1695, contracted with respondent... for furnishing his regiment with 460 Cloaks...and that respondent did not send the cloaks and suits over in Flanders, where the regiment was...then they appeared to be made up of different sorts of very coarse cloth or stuff...the appellant being censured by the officers of his own regiment, as if he had combined with respondent for his private benefit to defraud his regiment; and respondent endeavouring to arrest him for the money, appellant exhibited his bill in Chancery to be relieved...And that this cause was heard the 27th June, 1700, before the Master of the Rolls; who decreed appellant to pay the whole 1425l. to respondent...And then appellant appealed to the Lord Keeper, who, 1st March, 1700, on a full hearing, also affirmed the said decree: And that appellant now further appealed to the Lords." Another case states: "And now appellants stated further, that the respondents...exhibited their bill in Chancery against appellants, for settling the right of the Bishop in the nomination of a curate to the Chapel, and for confirming respondent Hutchinson in the curacy, and all the profits thereof, and to oblige appellant Burton to account for the profits..on hearing the cause the 7th May, before the Lord Keeper, he decreed the right of nomination to be in the Bishop and his successors, and respondent Hutchinson to be quieted in the curacy...After hearing council on this appeal, it was adjudged by the Lords that the same should be dismissed, and the decree complained of affirmed."

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<sup>87</sup> Joint tenancy is the holding of an estate or property jointly by two or more parties, the share of each passing to the other or others on death. In contrast, tenancy in common is a shared tenancy in which each holder has a distinct interest that is separately transferable.

<sup>88</sup> In property law, severalty refers to the sole or individual ownership of real property.

- 79 Topic 79 (Coke Reporting): 'roll'<sup>89</sup>, 'abr'<sup>90</sup>, 'coke', 'case', 'elizabeth', 'com'<sup>91</sup>. The most informative key word is 'coke'. Top documents are Coke's King's Bench reports from the late years of the reign of Elizabeth I. Many substantive areas of law are spanned. Thus, this topic captures Coke's distinctive style of reporting (or the style of subsequent editors), especially to the historical sources. For example: "And the feoffment or fine of tenant for life will amount to a forfeiture of his life estate, although he has a remote estate of inheritance expectant on a mesne estate of inheritance, Pelham's case, Ante p. 14 b. though it seems doubtful whether a recovery, in such case, would have the same effect, See ante p. 16 a. n. (P 2). and the books there cited...and therefore it was adjudged in the King's Bench, that the charge of the husband shall determine by his death, notwithstanding such fine levied after the charge; and that it shall be the grant of both, of their several estates, see (e) 27 Hen. 8. (f) 13 a. 13 Hen. 7. 14 b. 2 gen. 5. 7. (9 16 and 17 Eliz. Dy. 339. and (h) 13 Edw. 4." Or: "It was adjudged; that where King H. 8. granted a manor to the Queen his wife for life, that there the (c) Queen was a sole person exempt by the common law, and may make a lease or grant without the King, and so may plead, and be impleaded alone (c). vide 10 E. 2. 18. & 50. 18 E. 3. 1, 2 & 32. 20 E. 3. Non-ability 9. 32 E. 3. Brief 346. 49 E. 3. 4. 11 H. 6. 67. 26 H. 6. Aide del Roy 24. 3 H. 7. 14. 7 H. 7. 7. and that the statute of 32 H. 8. is but a declaration of the common law."
- 80 Topic 80 (Bailment): In a bailment, A gains physical possession of B's property usually for temporary safekeeping. Key words include carrier', 'hors', 'innkeep', 'game', 'postmast', 'pawn', 'play', 'guest', 'guinea', 'steal', 'meat', 'drink'. One case states: "If a man, who is not a common carrier, and who is not to receive a premium, undertakes to carry goods safely he is answerable for any damage they may sustain through his neglect or default." A number of cases concern the care of innkeepers for the horses of guests: "A man...directed that the inn-keeper should not give [his horse] any more food, for he would not be responsible for it. The question was, if for the food given by the inn-keeper to the horse after this direction, the man who brought the horse thither shall be charged or not." Pawn cases also appear: "Now, if the pawn be somewhat that will be the worse for wearing, as clothes, &c. the pawnee cannot use it. But if it be somewhat that will not be the worse for wearing, &c. as jewels, &c. the pawnee may use them, but then it must be at peril; for if the pawnee is robbed in wearing them, he is answerable."

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<sup>89</sup> Referring to court rolls.

<sup>90</sup> Referring to abridgements of the caselaw by earlier lawyers.

<sup>91</sup> Referring to Plowden's Commentaries.



- 81 Topic 81 (Determining Damages & Costs): Key words include 'cost', 'damage', 'trip!', 'recover', 'tax', 'expens'. Top documents involve cases that explain how damages and various litigation-related costs (including attorney fees) should be determined when plaintiff wins, and how taxes should be applied in that context. For example, in one document: "...when the Parliament inserts the word costs after the word damages, it shews that it was not their intent that costs should be included in the word damages, for then it had been in vain to insert the word costs; but it was their intention to make a distinction between the costs and damages." Or in another document: "...the Court was of opinion, that there was no distinction between the costs given by the jury, and those given by the Court, but both ought to be doubled".
- 82 Topic 82 (Conveyancing by Fine): Key words include 'fine', 'levi', 'bar', 'proclam', 'year', 'five', 'case', 'land', 'conuse', 'right'. A fine of lands was a method of conveyance involving a fictitious lawsuit, which had the advantage of making the conveyance appear in court records. Part of the process would involve one party 'levying a fine' on the other. A typical case has: "Errorr of reversing a fine levied by non-age, &c. and after he came to full age before that the fine was revers'd, and now it was said that the fine could not be revers'd, because the plaintiff had levied a fine of that land to another." Or: "If tenant in tail bargains and sells, and the bargaineer levies a fine with proclamations, and 5 years pass: and after tenant in taylor dies, that the issue shall have 5 years after his death to make claim, for his title is saved by the statute; for the tenant in tail himself could not have claim'd it against his bargain and sale."
- 83 Topic 83 (Vesey Reporting): Key words include 'vesey', 'senior', 'ves'. Top documents are either reports produced by or reports that refer to Francis Vesey, Sr., a prominent case reporter. For example, in one document Vesey reports: "In directing accounts, where there has been usury, extortion, or oppression, the court often by its decree, directs every thing doubtful to be taken most strongly against the person guilty of such proceedings. (See *Detillin v Gale*, 7 Ves. 389.)". In another document not authored by Vesey, Vesey's reports are at the heart of the parties' argumentation: "With a view to throw light upon the question of construction, reference was made on both sides to that class of cases in which the Court had been called upon to consider under what circumstances, and to what extent, a person having only a temporary or partial interest in a fund had a right to make it effectual as against the parties entitled to the capital, while the capital itself remained unrealised and unproductive. Upon this point the following authorities were cited: *Garth v Colton* (1 Dick. 183), *Hutcheon v Mannington* (1 Ves jun. 366), *Gaskell v Harman* (6 Ves. 159), *Sitwell v Bernard* (6 Ves. 520), *Mood v Penoyre* (13 Ves. 325), *Walker v Shore* (19 Ves. 387)..."

- 84 Topic 84 (Rulings on the Calendar): Key words include 'term', 'day', 'time', 'year', 'first', 'last', 'within', 'six', 'continu', 'second', 'month', 'next. All top cases concern timing issues and often ruling on procedural grounds, as in: "The next day after the last day of the term be not in strictness part of the term, and therefore no, motion can then be made on the petty-bag side; yet as to other purposes it is part of the term, for which reason, a motion made at that time to dismiss a bill for want of prosecution, on a certificate that there had been no prosecution within three terms, of which the last term was one, was denied." But the matters discussed are not only procedural: "A lease reciting a lease which is not, and demises for 21 years, and so from 21 to 21 years, &c. till 99 years are ended, though no number of 21 can center in 99, yet it shall be a lease for 99 years from the end of the first 21 Years."
- 85 Topic 85 (Inferior-Court Jurisdiction): Key words include 'jurisdict', 'certiorari',<sup>92</sup> 'counti', 'record', 'leet',<sup>93</sup> 'amerc'.<sup>94</sup> Top documents are reports that clarify court jurisdiction. For example, in one document: "Where you declare in the Inferior Court, you ought to lay the fact, or cause of action, to have arisen within their jurisdiction." In another document: "Difference between the Marshalsea and the Palace Court...its jurisdiction extends twelve miles round the Palace of Whitehall; and the Judge may hold the Court where he pleases, except in the four great Courts at Westminster...". Or in another document: "Ely is not a County Palatine, but only a Royal franchise; and therefore the defendant cannot plead to the jurisdiction of this Court....But a judgment in an Inferior Court, removed hither by certiorari, shall not be executed here, to make this Court subservient to the Inferior Court".
- 86 Topic 86 (Tree Law): Key words include 'wood', 'cut', 'tree', 'outlawri', 'take', 'shall', 'say', 'grow'. The types of issues are exemplified by the following: "And this difference was taken betwixt the exception of wood and underwood, and the exception of all timber-trees: for in the first, the soil itself of the wood and underwood, and what is known by that name, is excepted; but in the last case, no soil is excepted, but only so much as is sufficient or the vegetation and growing of the trees excepted." Or: "Waste may be committed in cutting down black-thorn, the jury finding it to be timber. Mallet moved, that it was error, for black-thorn trees cannot be timber, nor is there any waste lies for them, unless they be growing in hedges...But the Court...agreed, that it is no error: for black-thorn in some countries may be accounted timber; and being averred in the declaration to be timber, and the issue found by the verdict, it is not to be doubted but that it is timber."

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<sup>92</sup> See topic Reviewing Local Orders.

<sup>93</sup> A type of manorial court.

<sup>94</sup> Amercement is a financial penalty.

- 87 Topic 87 (Rendering Judgement): Key words include 'judgement', 'attorney', 'banc', 'postea'. Top documents are relatively short statements that either provide the court's judgment or elaborate on procedural circumstances pertinent to the rendering of the judgment. For example: "It was moved to the Court that the plaintiff after he had obtained a verdict, and before judgement entered, dyed". Or in another document: "...a verdict was found for the plaintiff and the postea was delivered to the clerk of the judgements to enter the judgement." Or: "Holt C.J. I agree that a warrant of attorney is generally revocable in its nature: but by the course of this Court a warrant of attorney to confess a judgment may not be revoked, and the Court will give leave to enter up the Judgment, although the party does revoke it; and yet it is determinable by the party 's death."
- 88 Topic 88 (Precedent): Key words include 'case', 'reason', 'though', 'law', 'opinion', 'therefor', 'think', 'object', 'question', 'differ', 'court', 'cite'. The cases contain debates justifying what the caselaw is while appealing to (some notion of) the authority of precedent. The substantive issues addressed are many different ones, but the discussion of each exhibits precedent-based reasoning. One case states: "With regard to the first he took the rule of law to be general...unless in some particular cases for which particular reasons may be given. He said the precedents...are all in this manner." And three more: "And accordingly this exception was allowed in the case of...and...He observed farther, that the present case was much stronger than either of these"; "he did submit it, that no custom altering the established principles of the law was ever held to be good. The established principle of law in this case he apprehended to be..." and "he observed, that there were several authorities cited upon the former arguments to prove it to be so; and he begged leave to mention a few more out of..."
- 89 Topic 89 (Geographic Settlement of Children): Key words include 'parish', 'settlement', 'child', 'bastard', 'pauper', 'inhabit', 'father', 'mother', 'settl', 'remov'. Top documents are reports on cases about determining geographic settlement of children, often from poor families or born out of wedlock. For example, in one top ranked document: "An order to settle a child at the parish where the father was settled, when the child had after a settlement by the settlement of the mother, subsequent to that of the father". Or in another document: "Where a bastard is born, that is the place of his settlement, unless there is some trick or fraud to charge the parish; but the place where legitimate children are born, is not the place of their settlement, for let that be where it will, the children are settled where their parents are settled."

- 90 Topic 90 (Contingency in Wills): Key words include 'conting', 'remaind', 'devis', 'son', 'limit', 'survivor', 'death', 'vest', 'executori'. The following case is typical: "A. seised in fee, has a son B. and a sister C. &c. and devises his lands to his son B. in tail general, and if his son B. should die, without issue, and his wife should survive him, then the wife to have the premises for life, remainder to C. in fee; B. the son dies without issue, but testator's wife dies before him; C. is not entitled to the remainder in fee, because the contingency is annexed to all the devises over." Or: "There is a difference betwixt an interest and a limitation: for if I give lands to A. and B. for the term of their lives, if either of them dyeth, the survivor shall hold the whole: but if I give lands to A. for the lives of B. and C. now if B. or C. dyeth, the whole estate is determined, because it is but a limitation, and B. and C. have not any interest."
- 91 Topic 91 (Marriage Settlement): Key words include 'settlement', 'marriag', 'jointur', 'articl', 'remaind', 'estat', 'portion', 'wife', 'truste', 'life'. Top documents concern nuances of design and interpretation of marriage settlements (arrangements whereby a trust of land or other assets was established jointly by the parents of a husband and wife) and adjudication of cases involving marriage settlements.<sup>95</sup> For example, in one document: "Where Articles are, entered into before Marriage, and the Settlement is made after Marriage different from those Articles, as if by the Articles the Estate was to be in strict Settlement, and by the Settlement the Husband is made Tenant in Tail, whereby he has it in his power to bar the Issue, this Court will set up the Articles against the Settlement; but where both Articles and Settlement are previous to the Marriage at a Time when all Parties are at Liberty, the Settlement differing from the Articles shall be taken as a new Agreement between them, and will control the Articles". In another document: "The Moiety of a House is not applicable in part Performance of a Covenant in Marriage Articles, to settle Lands of Inheritance; for it is not the Kind of Estate intended by the Articles."

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<sup>95</sup> Marriage settlement was a means of ensuring the proper use of a dowry, provided by a bride's father to financially support the daughter during her marriage and potential widowhood. The marriage settlement is distinct from the modern notion of prenuptial agreement, which focuses primarily on the post-divorce division of assets.

- 92 Topic 92 (Minors & Guardians): Key words include 'infant', 'age', 'guardian', 'minor', 'guardianship', 'infanc', 'prochein',<sup>96</sup> 'wardship'. Issues are exemplified by: "An administration durante minore aetate of an infant executor ceases at seventeen; of an infant administrator, at twenty-one." Or: "If a Man, during a Person's Infancy, receives the Profits of an Estate to which the Infant is intitled, and continues to do so for several Years after the Infant comes of, Age, before any Entry is made upon him, yet he shall account for the Profits throughout, and not during the Infancy only." And: "The Court was moved on the behalf of an infant to discharge a guardian assigned by the Court, with an intent to make Richard Somers Attorney of this Court guardian in his room, and that the former inspection may be discharged, and that the infant may be now inspected again, because when the former inspection was, and the guardian assianed there was no action depending in Court against the infant."
- 93 Topic 93 (Court Petitions): Key words include 'petit', 'commission', 'order', 'chancellor', 'committee', 'lunat', 'partner', 'partnership'. Top documents are petitions, often concerning bankruptcy cases or cases involving lunacy. Commission here must be understood as a legal action, e.g. a petition, a filing, an application, and not in the conventional sense of a legal body of people with certain authority. In this context, commissioner is somebody demanding legal action, as in petitioner, or person seeking redress. For example, in one top document: "A. and B. being joint-traders, a commission of bankruptcy issued against them: their separate creditors now applied by petition, that they might be let in for their debts upon the respective separate estates of the bankrupts." Or in another document: "Petition to supersede a commission of lunacy preferred by the nearest relations of the party. Lord Chancellor. It should always be in the name of the person, who has recovered a sound mind."
- 94 Topic 94 (Attorney- & Solicitor-General): Key words include 'sir', 'henri', 'edward', 'knt', 'general', 'esq', 'solicitor', 'attorneygener'. These are very short cases in which names are dominant, but all cases mention the Attorney-General and the Solicitor-General. A typical report states: "There may be an executor de son tort of a term...In the King's Bench. Sir John Holt, Knt. Chief Justice. Sir William Dolben, Knt. Sir William Gregory, Knt. Sir Giles Eyres, Knt. Justices. Sir George Treby, Knt. Attorney General. Sir John Somers, Knt. Solicitor General." Or: "If a whole term intervenes, there may be execution against the bail, notwithstanding a writ of error in Parliament. In the King and Queen's Bench. Sir John Holt, Knt., Chief Justice. Sir William Gregory, Knt., Sir Giles Eyre, Knt., Sir Samuel Eyre, Knt., Justices. Sir Edward Ward, Knt., Attorney-General. Sir Thomas Trevor, Knt., Solicitor General."

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<sup>96</sup> Next.

- 95 Topic 95 (Ecclesiastical Appointments): Key words include 'church', 'bishop', 'patron', 'patronag', 'advowson', 'vicarage', 'benefic', 'quar', 'hinder', 'induct', 'clerk', 'usurp', 'collate'. Top documents are *quare impedit*<sup>97</sup> cases that revolve around church appointments and associated benefits. Cases involve the monarch, members of clergy, church clerks, and patrons. For example, in one top document: "The case was, after lapse incurred to the Queen, the bishop being patron doth present, and afterwards the successor of the bishop certifieth against this incumbent, that he had refused to pay the tenths, and then the bishop collateth<sup>98</sup> the defendant, who was inducted; the Queen brings *quare impedit*". In another document: "A. has a benefice with cure, above 81. per annum; he takes another benefice with cure, and is admitted and instituted to it; but before induction, he has a dispensation to hold both: the first is void; and the dispensation comes too late".
- 96 Topic 96 (Decisions After Conviction): Key words include 'indict', 'convict', 'offenc', 'pardon', 'feloni', 'treason', 'conspiraci', 'murder', 'peac'. All the cases concern issues that arise once a person has been convicted of a criminal offence (or when anticipating conviction): for example, whether the King can pardon, whether an accessory to the crime can be prosecuted before guilt is found by the main perpetrator, where this rule on accessories can be inapplicable, when receiving stolen goods is a felony, and when appeals can occur. One case states: "There cannot be an accessory without a principal, and the principal ought to be attainted before the accessory be arraigned upon an indictment against him as accessory; for it does not clearly appear, that there is an accessory, if the principal be not attainted." Or: "The receipt of goods feloniously stolen, the receiver knowing them to be stolen, is not felony: the receipt of the felon himself, only makes the felony...A. buys from a man unknown, who is a thief, an horse which is worth 20l. for 20s. this is felony: for because A. did not apprehend the said felon, he received him and the stolen goods; and this makes A. a felon."
- 97 Topic 97 (Mistakes in Court Records): Key words include 'amend', 'varianc', 'record', 'orig', 'mistak', 'misnom', 'erratum', 'misrecit', 'mispris', 'omiss', 'defect', 'materi', 'omiss'. Top documents are about mistakes in various court records and documents (declarations, writs etc.), and ways of correcting them. This is not a topic about correcting court errors in general (e.g. by higher courts), but rather a topic about addressing errors that occur in the production of court documents. For example, in one document: "A mistake of a clerk through carelessness in an Inferior Court is amendable, but not if through want of skill." In another document: "In the writ the defendant was named Whorewood, and in the count, and proceeding after, he was named Horewood; and this variance after verdict was, alledged in arrest of judgment. But notwithstanding it was held good; for it is as if there were no original, which is helped by the statute; and if it he said a variance, it may be amended: and the plaintiff had judgment."

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<sup>97</sup> A writ initiating an action for deciding the right, known as *advowson*, to appoint a candidate for a benefice.

<sup>98</sup> Collation is the act by which the bishop bestows a benefice to an incumbent.

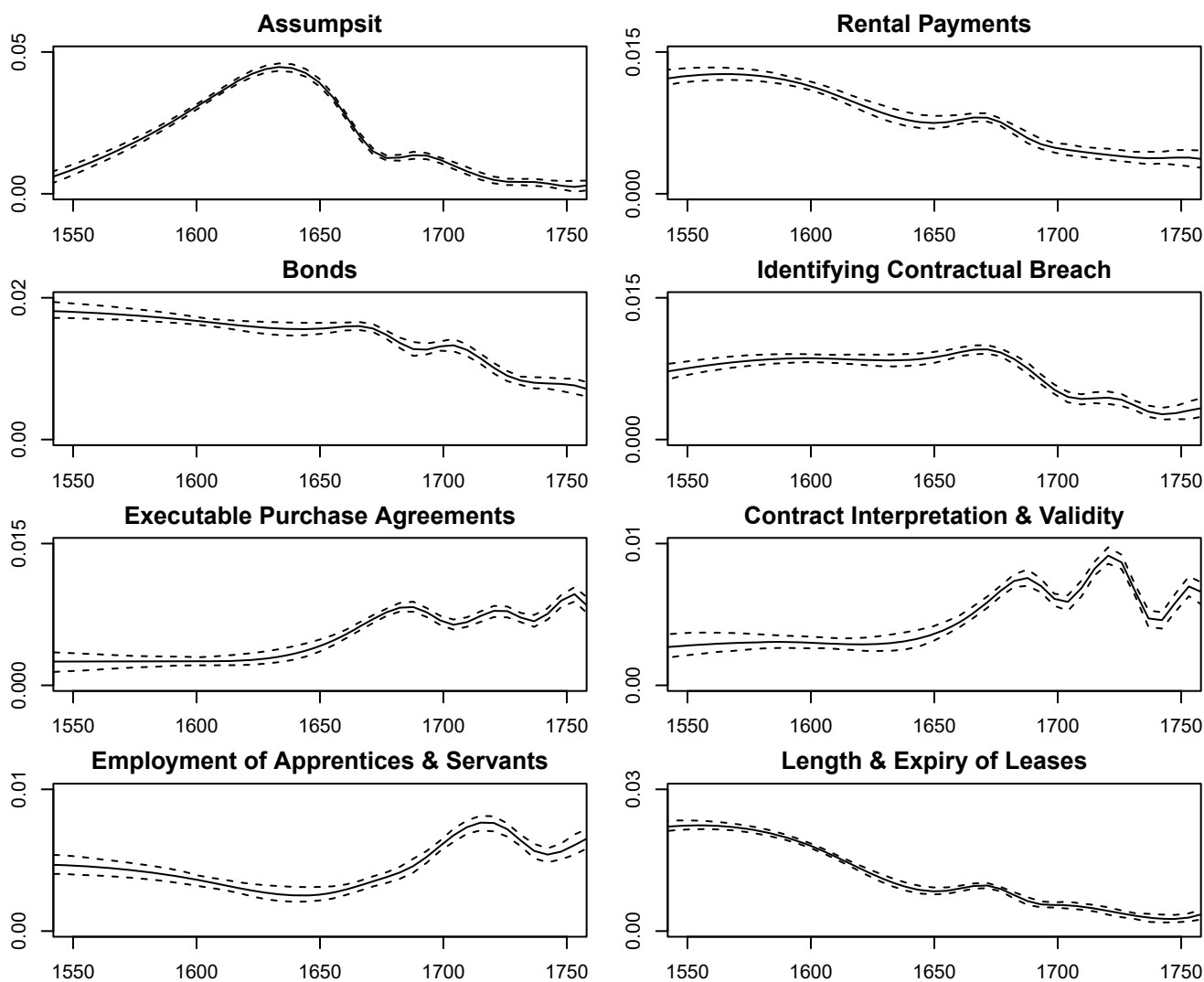
- 98 Topic 98 (Intestacy): Key words include 'child', 'share', 'sister', 'distribut', 'intest', 'estat', 'moieti', 'grandchild'. A typical case is: "The bill was for an account and distribution of the personal estate of the intestate, of which letters of administration had been granted to the plaintiff Elizabeth, who as one of the aunts claimed one fourth of the personal estate. Mr. Browne for the plaintiffs contended, that an aunt was equally next of kin with nephews and nieces, being equally near in computation of degrees,...Mr. Fazakerley for the nephew and niece contended, that they, as representing their father, who was brother to the intestate, were entitled to the whole personal estate." Another states: "A man dies intestate, leaving an Uncle and Uncle's son, and the only question was, Whether the son of the deceased Uncle should come in for a distribution with the living Uncle, by the Statute of Distributions."
- 99 Topic 99 (Local Administrative Appointments): Keywords include 'office', 'constabl', 'clerk', 'appoint', 'deputi', 'custo','appoint', 'power', 'grant', 'clerk', 'peac', 'duti', 'oath', 'nomin'. Top documents are reports on cases involving local administrative appointments such as those of clerks for justices of the peace, of constables, and other lower-ranked officers. For example, in one document: "...it was then necessary to have a proper officer who should be responsible for the rolls, and this was the Custos rotulorum<sup>99</sup> who then had power to appoint a deputy, as incident to his office, and this is the Clerk of the peace". In another document: "The village of Chorley having no constable, the justices of peace, by order of sessions, appointed one to serve there. Et per Holt, C.J. A constable may be chosen in the tourn or leet."
- 100 Topic 100 (Contrasting Cases & Statutes): Key words include 'brook', 'case', 'king', 'land', 'law', 'good', 'yet', 'statut'. The cases straddle many substantive issues, but all include mention of past cases and existing statutes and contrast their implications. One case states: "It was asked as a question, Whether if they be indicted thereof, and process of outlawry awarded and returned against them, being there resident or dwelling at the time of the outlawry pronounced, the outlawries are good and sufficient in law, or erroneously or not, by the statutes 26. H. 8. c. 13. 6. E. 6. c. 11? [And] whether they extend to treasons-generally at common law..." Another case states: "If the King had made a gift in tail, remainder in tail, before the statute of 34 H. 8, c. 20, a common recovery would have barred both the estates; 2 Co. 52, Sir Hugh Cholmeley's case." And another states: "And exception was moved by the defendants, that this attains which was brought upon the statute of 23. H. 8. is not maintainable against any other than him who recovers, for the words of the statute are accordingly; and attaints are penal, and shall be taken strictly. And yet by the opinion of the Court it was well Attaint does not lie upon suit by Bill. ...for this statute is made in favour of the subjects, namely, for the qualification of the rigorous and terrible judgment of the common law in attaint."

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<sup>99</sup> The keeper of county's records and, by virtue of that office, the highest civil officer in the county.

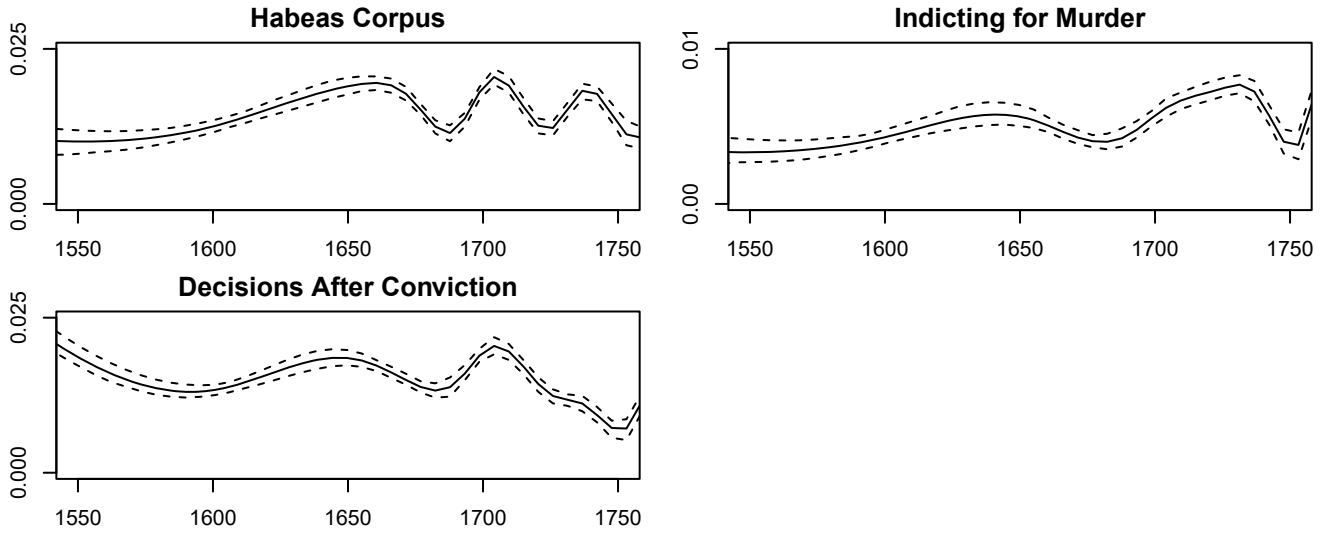
## Appendix F: The timelines for all 100 topics

Figure F1: Timelines for the contract theme

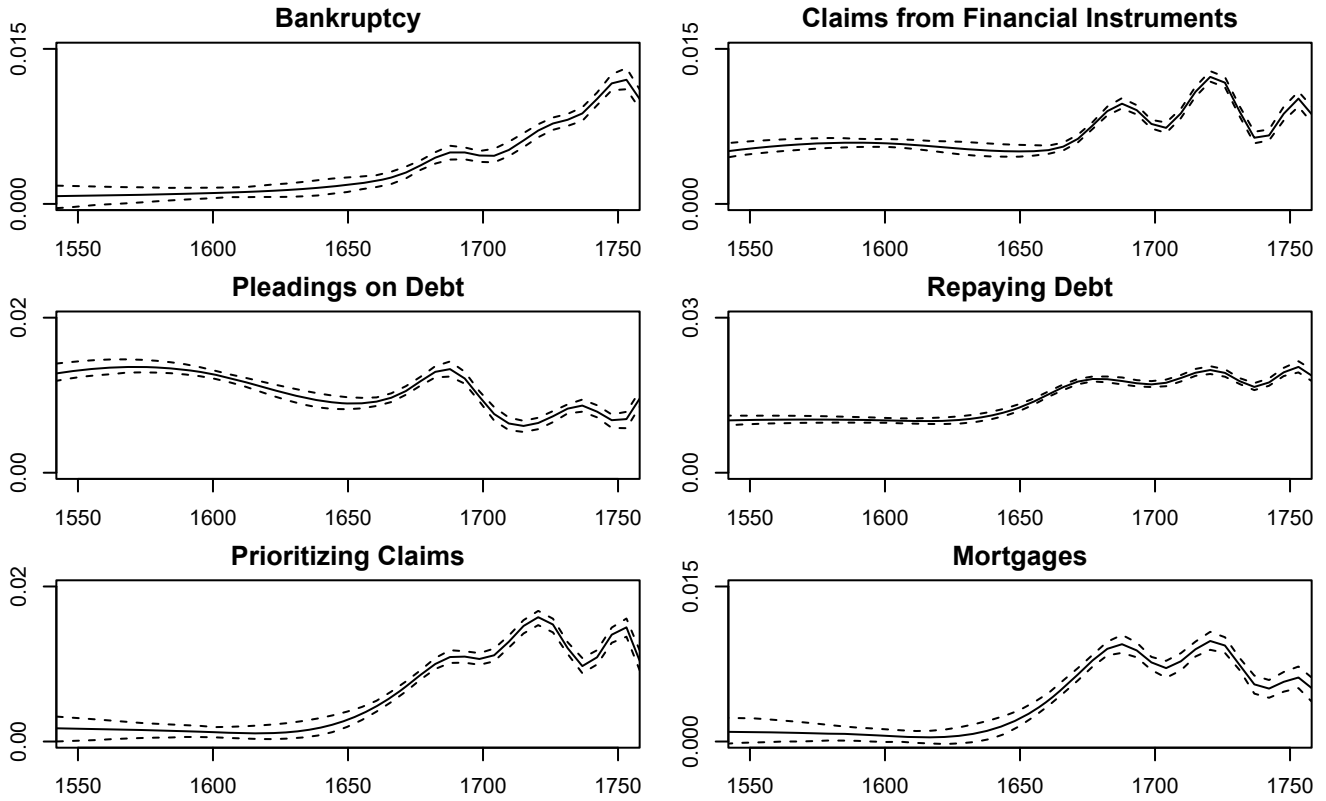




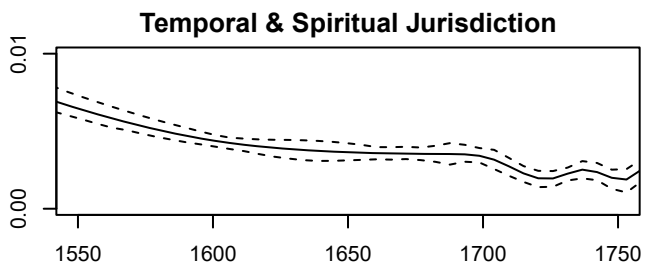
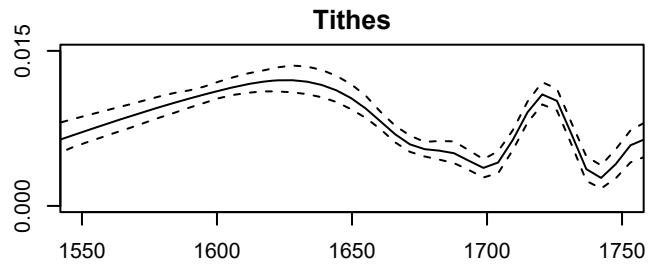
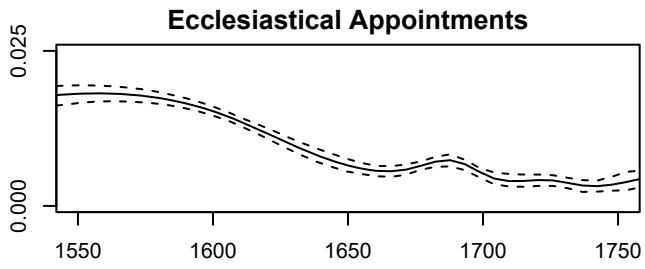
**Figure F2: Timelines for the criminal theme**



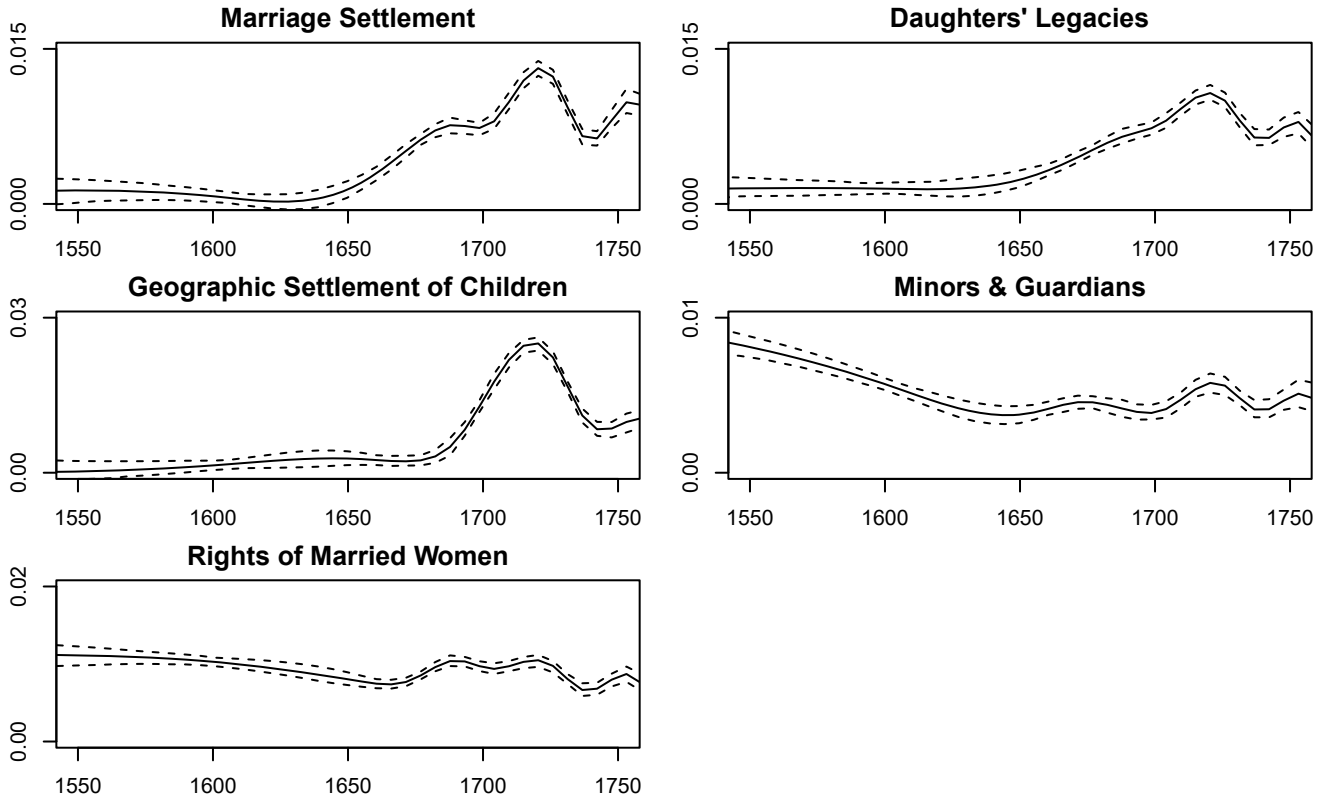
**Figure F3: Timelines for the debt theme**



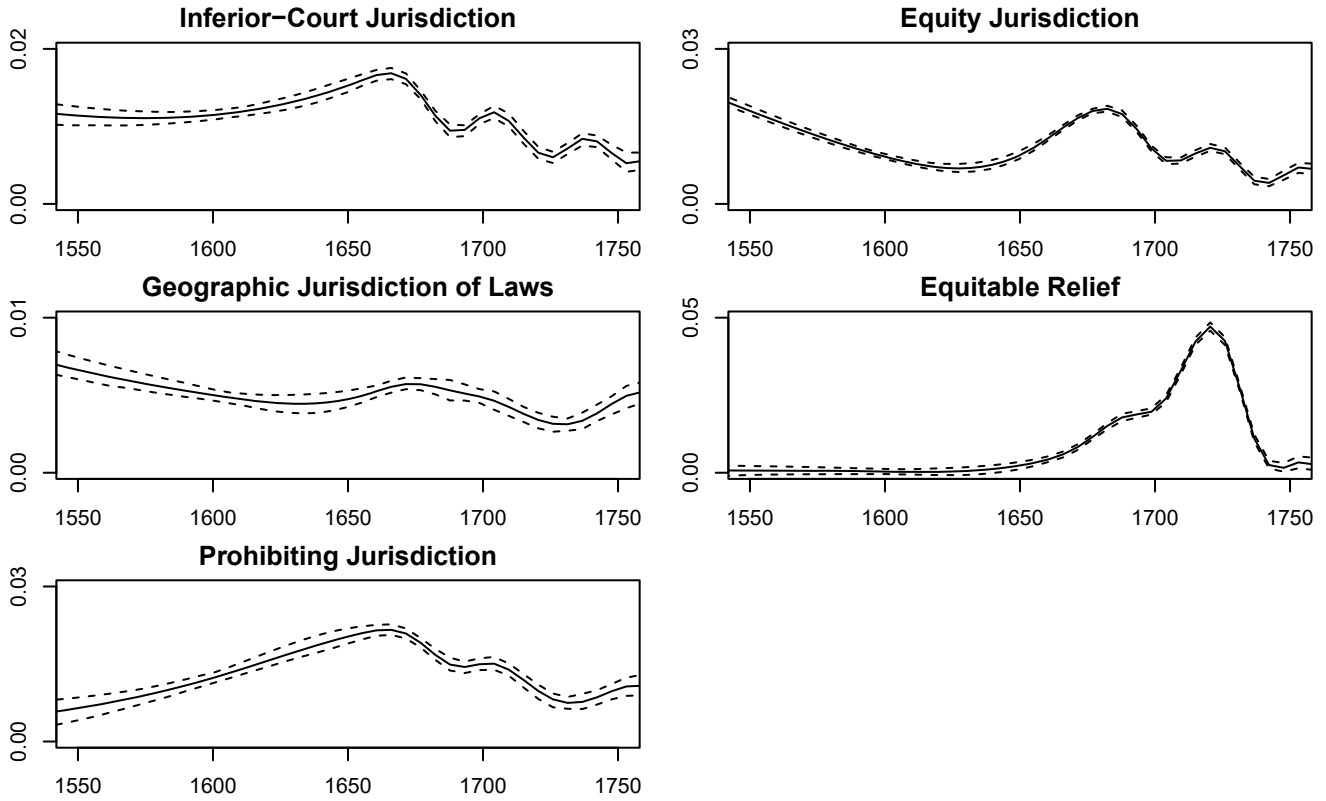
**Figure F4: Timelines for the ecclesiastical theme**



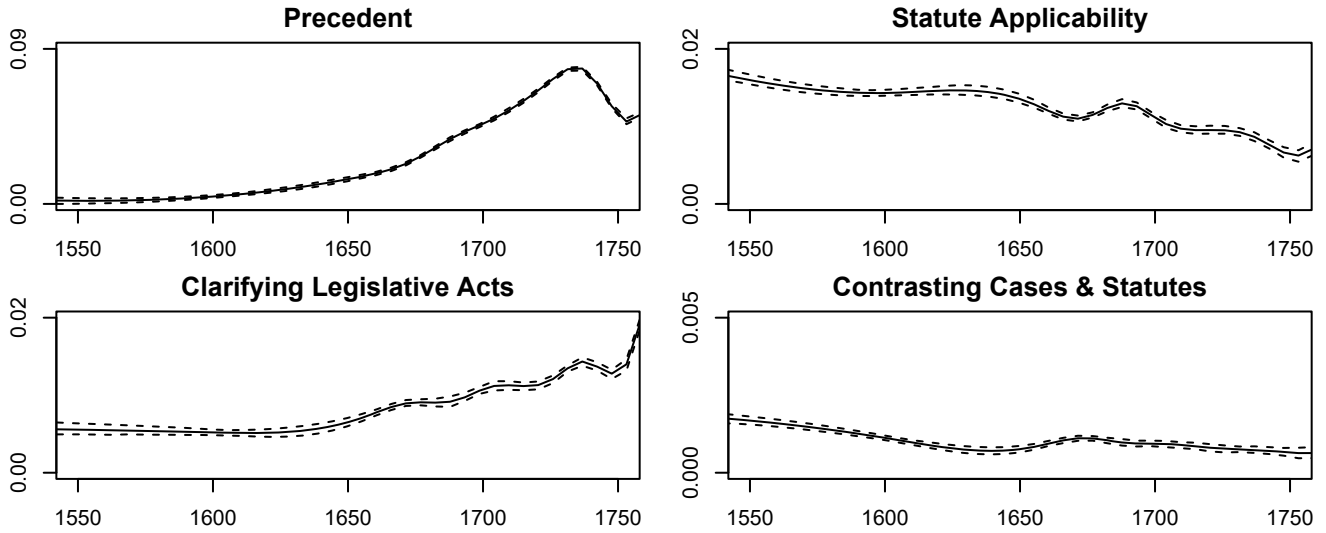
**Figure F5: Timelines for the families theme**



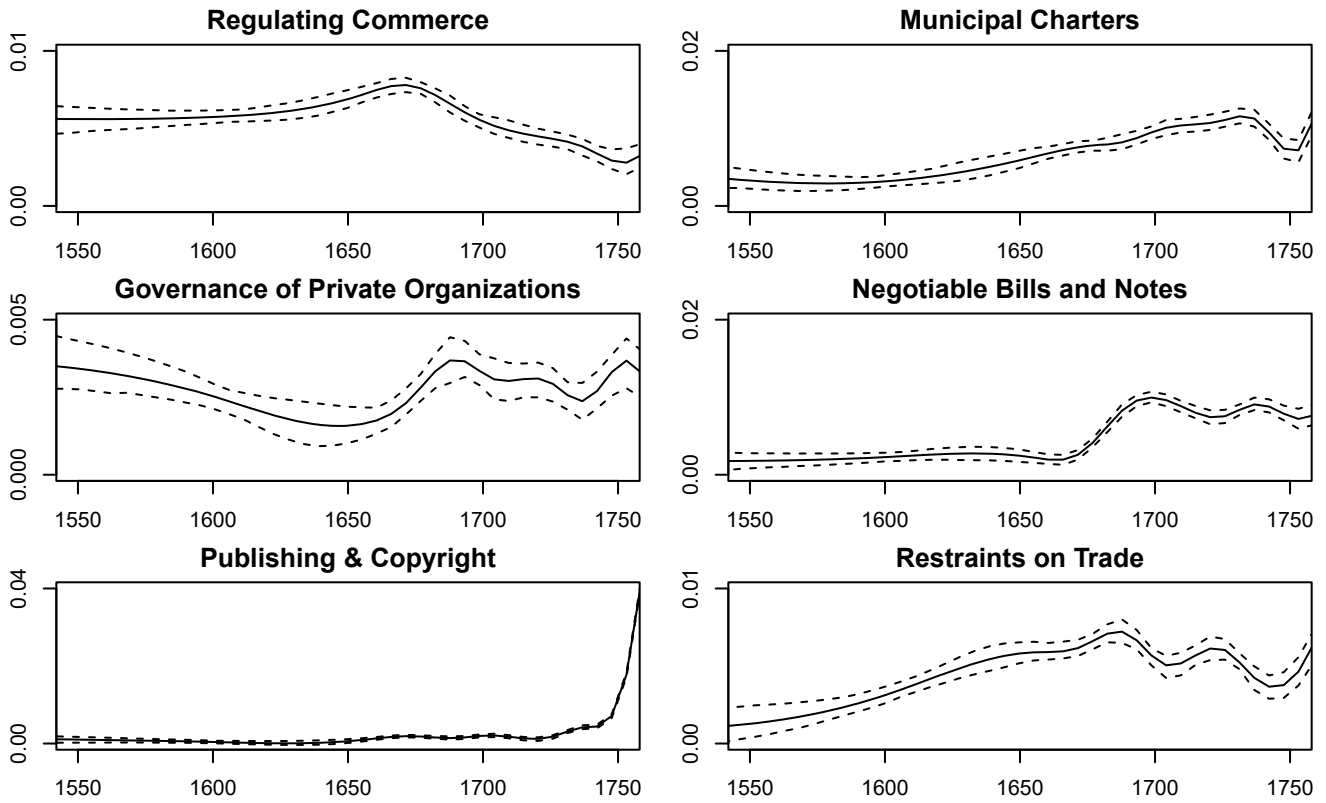
**Figure F6: Timelines for the jurisdiction theme**



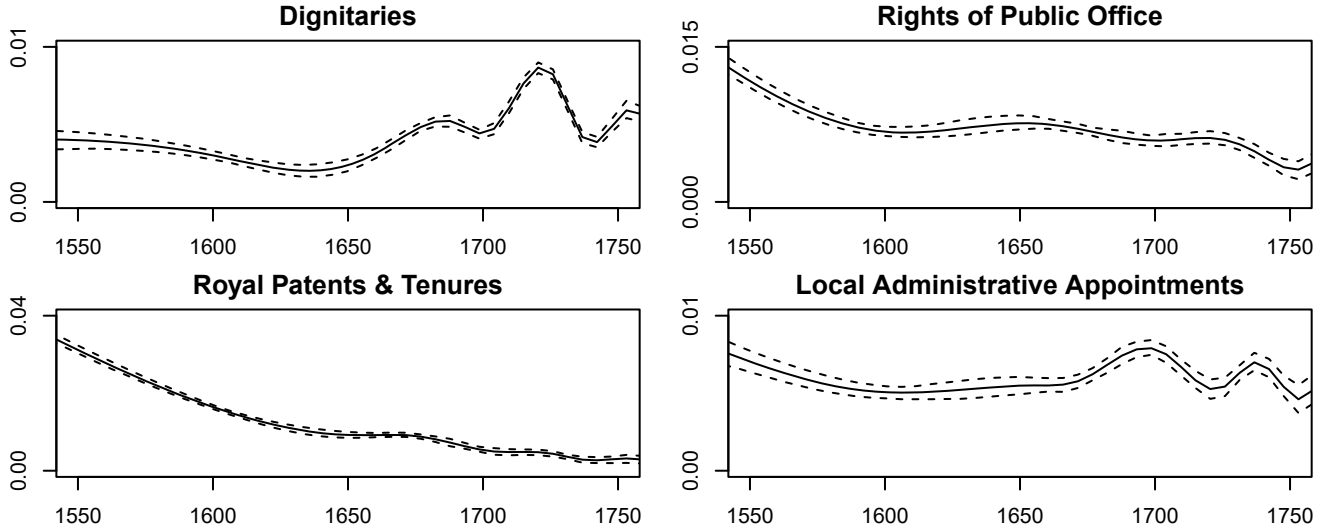
**Figure F7: Timelines for the sources of law theme**



**Figure F8: Timelines for the markets and organizations theme**

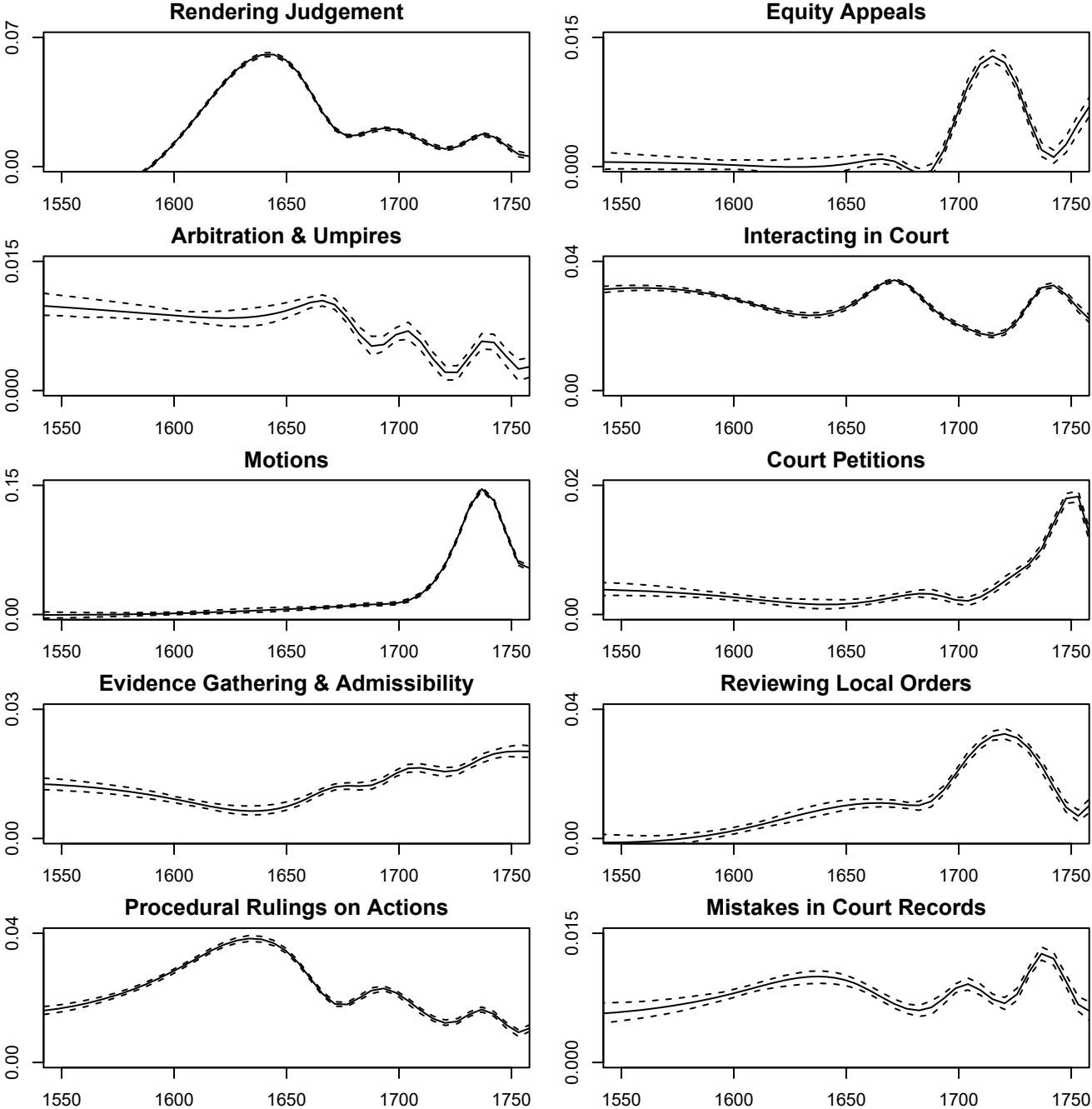


**Figure F9: Timelines for the politics theme**





**Figure F10a: Timelines for the procedure theme**



**Figure F10b: Timelines for the procedure theme, continued**

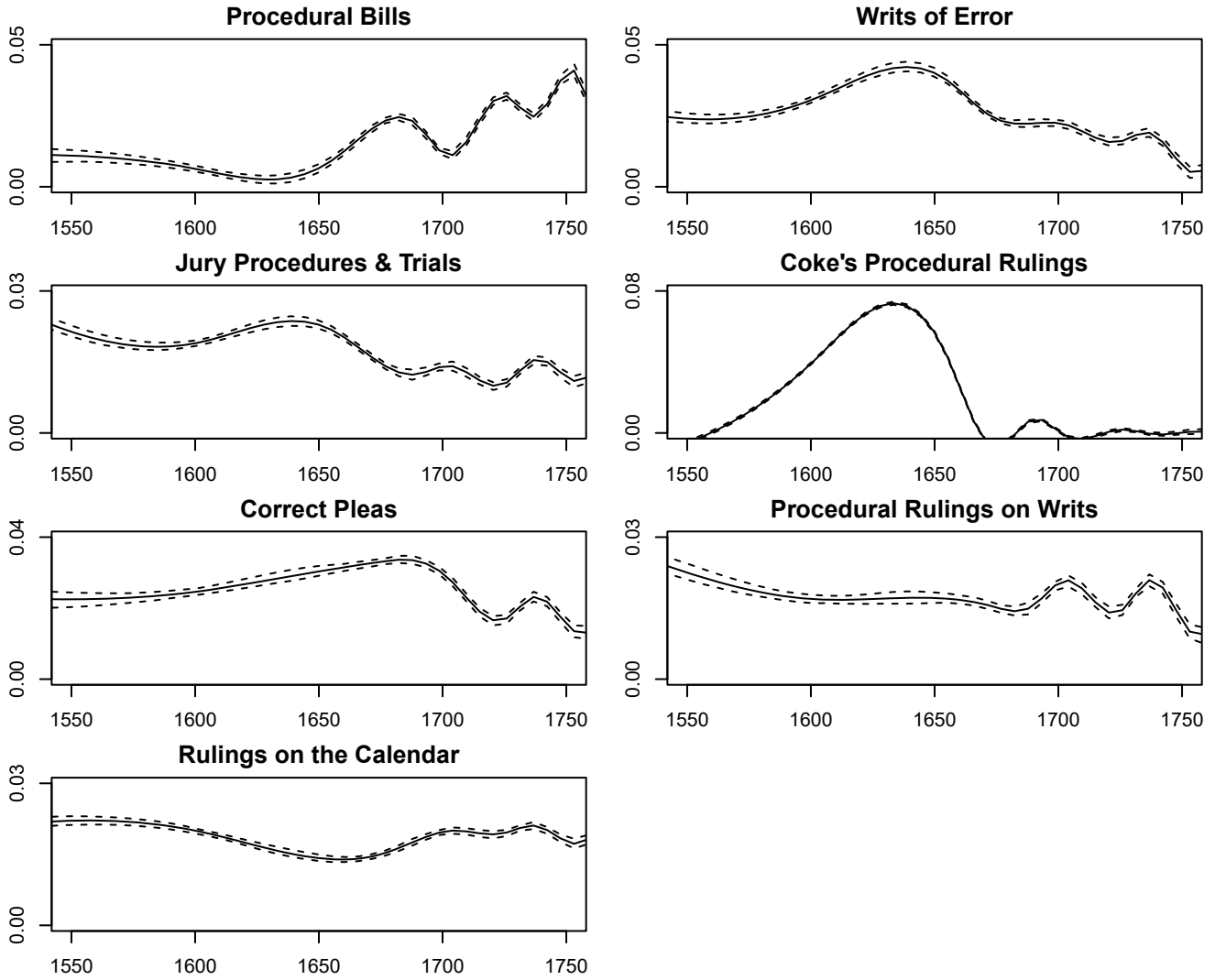
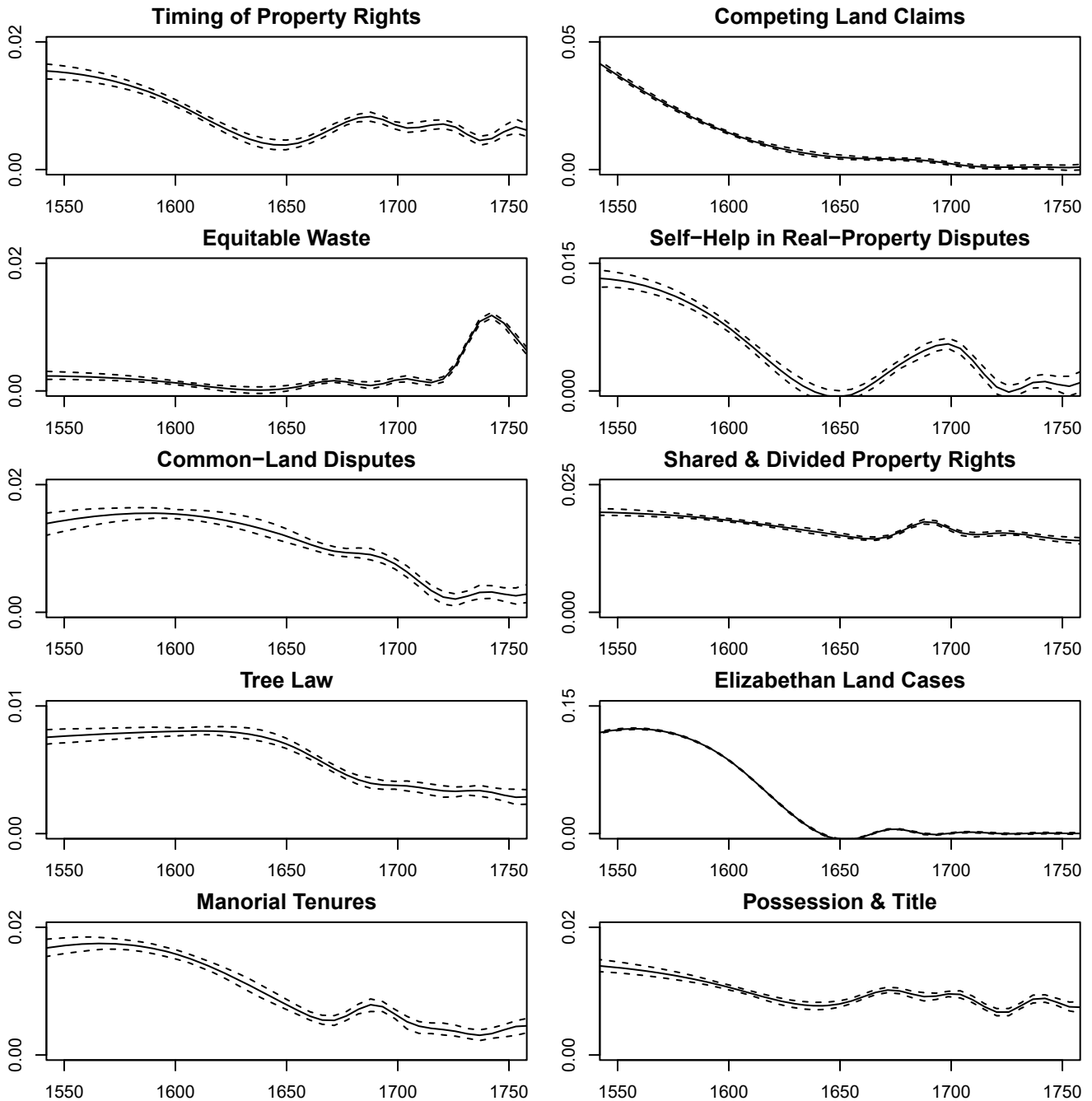
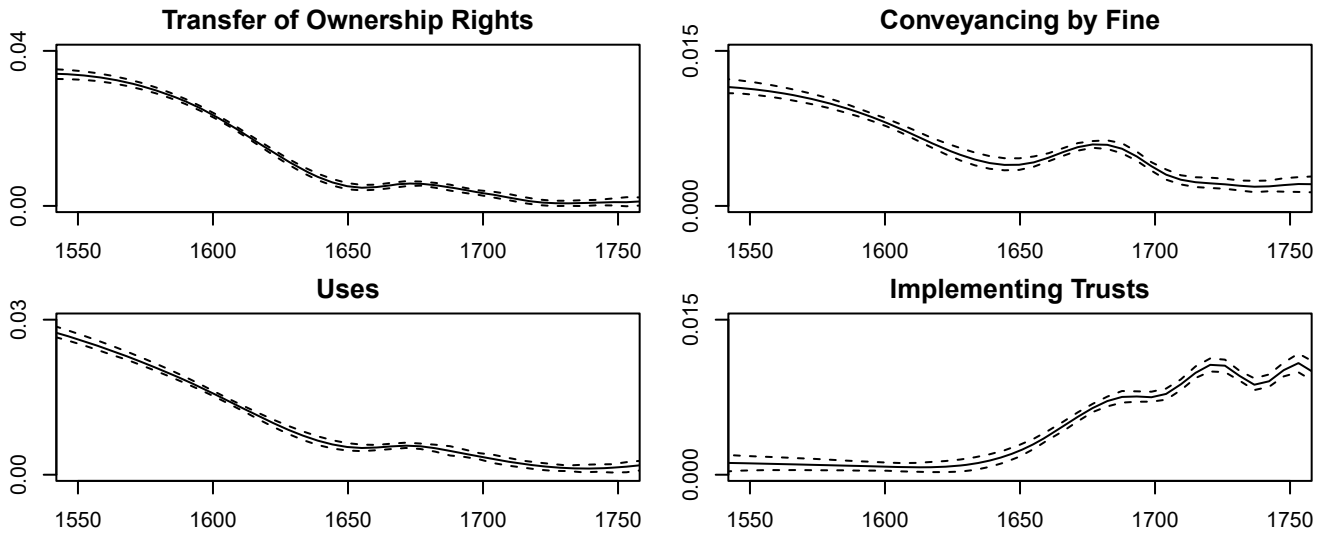


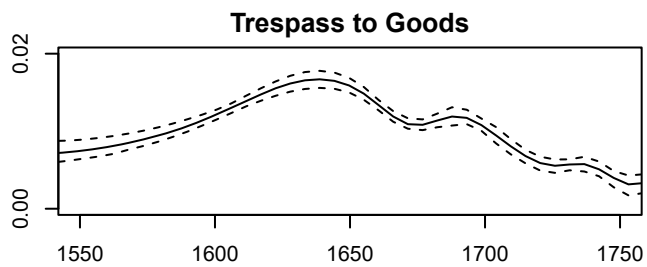
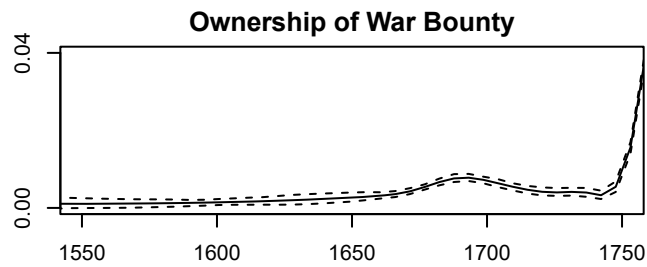
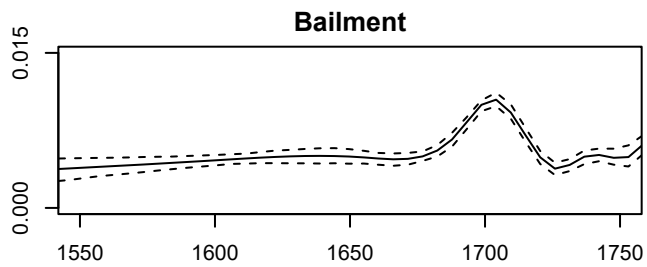
Figure F11a: Timelines for the real-property theme



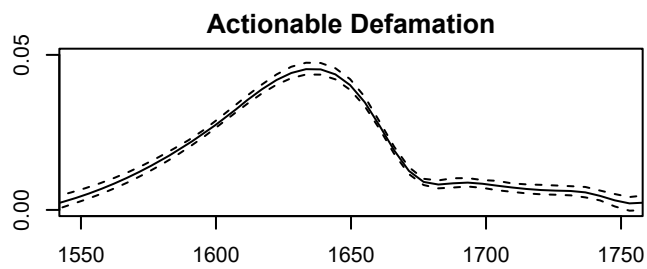
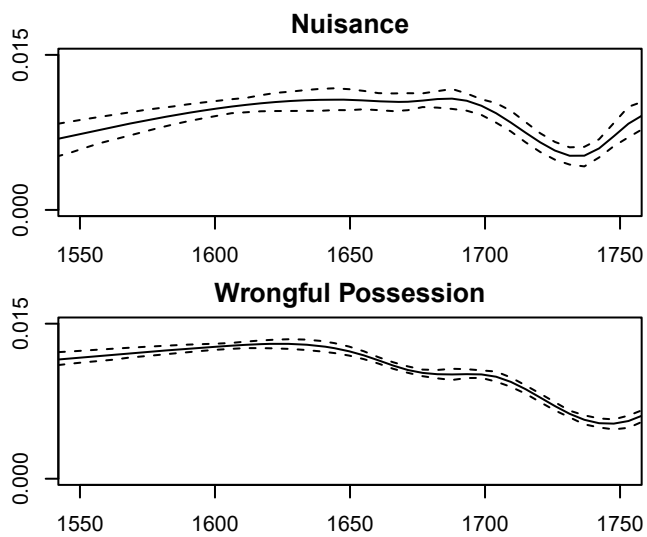
**Figure F11b: Timelines for the real-property theme, continued**



**Figure F12: Timelines for the personal-property theme**



**Figure F13: Timelines for the torts theme**



**Figure F14: Timelines for the inheritance theme**

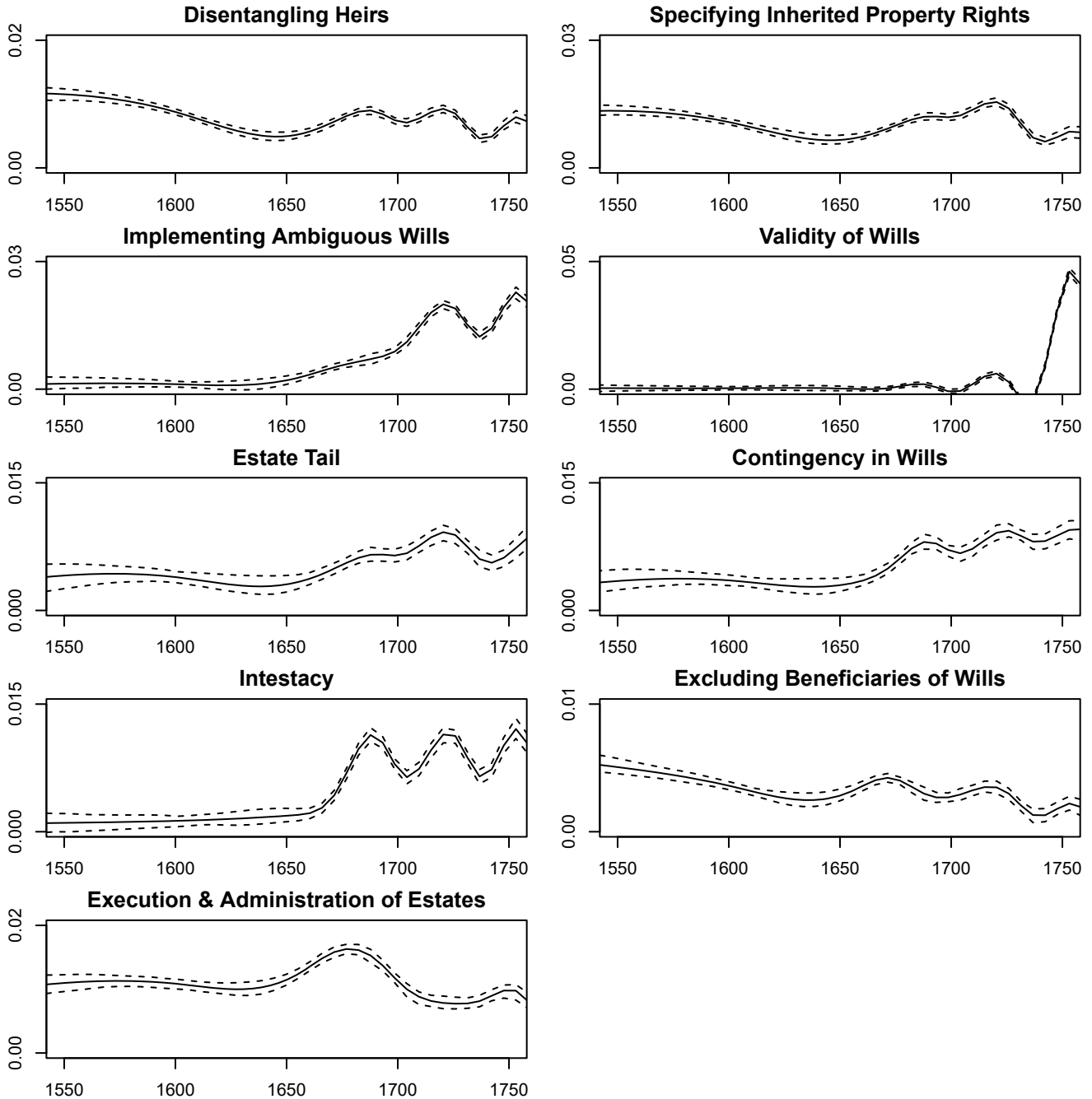


Figure F15: Timelines for the multiple theme

