ANALYTICAL INDEX.

Note. — The object of this Index is chiefly to show the order of the discussion; so that one who cannot find a thing in the "Alphabetical Index" may see where to open the volumes, and look for it among the headings of the sections. It does not attempt a reference to every minor topic.

VOLUME I.

Nature and Sources of Juridical Law	SECTION 1-21
Origin of law and meaning of the term, 1; other and narrower meanings, 2; what is municipal law, 3; of what do legal authors treat, 4; law essential to human existence; 5-7; includes penalty as well as precept, 7, 8; law anterior to government, 9; government does not take cognizance of all the law, 10; technical modifications of the original right, 11-13; how noticed in legal disquisitions, 12; difference between different systems of jurisprudence, 12, 13; illustrations of law without government, 14; law of nations, emigrants carrying law, what law, 14, 15; distinction between the mass of law and the law which the courts enforce, 16-20; judges do not make law, 18; judges follow the law, but apply it to new cases, 19, 20; how these views might be further expanded, 21.	
The Laws of this Country separable into what Classes In one sense, the law indivisible, 22; in another, how divisible, 23-27; mistake, that there is no law which the courts do not administer, 28, 30; necessity of these introductory views, 29.	22–29
The Criminal Law	30-42
Military and Martial Law	43-68

200	-IOI AN	CALITICAL INDEX.	AOT' I'
	-	declare martial law, 49, note; President abeas corpus, 63, 64; beneficial effects of	
	inal Law Authorities looks of reports, 70-85; of tive—stare decisis in crim	ld text-books, 86-90; how far authorita- tinal cases, 91-98.	69 –98
Crin	e as Local to a Partic	ular Country	99-101
		and treaties, 102, 103; how on the ocean, a, &c., 105; quasi jurisdiction near the	102–108
Œ	enerally, not beyond, 109; presence out of the coun doctrines, 111 et seq.; the death in another, &c., 11 &c., 117-120; over crimes foreign consular jurisdict	• •	109-123
	enerally, foreigners bound eign sovereigns, embassad 129; armed vessels, 130; lating our laws by comm	exempt from our Laws	124–135
	eneral doctrine, 136; lare	ur and by a Foreign Government, eny in one jurisdiction, and the goods -142; challenge to a duel, homicide, &c., questions, 144.	136-144
	high and low water mark, ton Harbor, 147; New Yo our lakes, 149; the line &c., 150; local jurisdictio abroad, 152; command of	counties, 146, 176; jurisdiction between, 146; arms of the sea, &c., 146, 176; Bosrk, Long Island Sound, &c., 148; how on between States, 150; Chesapeake Bay, on of the States, 151; same, over citizens a State to a citizen to commit a crime over Indian Territory, 154; concurrent	145–155
	etermined by the United S over what is "prohibited limits of States, 158; al- national jurisdiction in St out governments, 161-171 granted to the United Sta	States within State Limits tates Constitution, 150; has jurisdiction to the States," 157; also, beyond local so, over forts, dock-yards, &c., 159; of ates, 160; is complete over States withl; guarantee clause, 161 et seq.; things ates and not forbidden to States, 172 et ion, 173; over inland navigable waters,	156–181

•	
174-176; by reason of the nature of the thing, 177-179; States and United States as to power over respective officers, 180; jurisdiction over consuls, 181.	
Whence Power of United States outside State Limits Grounds of the jurisdiction, 183-186; District of Columbia, 187; the territories, 188.	182-188
Common Law, how far a Rule of Decision within United States Jurisdiction	189–203
Combined Act and Intent essential to Crime	204–208 a
Public Good and Desert of Punishment to combine	209-211
Criminal Thing to be of Sufficient Magnitude General doctrine and maxims, 212-215; magnitude of the intent, 216-222; magnitude of the act, 223-229.	212-229
How far a Wrong, to be Indictable, must be Public General views, 230-234; indictable public wrongs, 285-249; indictable private wrongs, 250-254.	230–254
Wrong in Injured Person and his Consent to the Act Distinction between civil and criminal, 256, 258; no defence to indictment that injured person is also in wrong, 257; effect of consent, 259-261; plans to entrap into guilt, 262, 238.	255263
Civil and Criminal Liabilities from same Transaction Civil suits and criminal, for the same act, may go along together, 264, 265; how as to criminal informations, &c., 266; exceptions in cases of felonies, 267-277; how judicial decisions to be viewed, 278.	264–278
Ex Post Facto Laws	279-284
General View of the Doctrine that an Evil Intent is essential	
in every Crime	285–291
Ignorance of Law as excusing Crime	292-300
Mistake of Fact as excusing Crime	301-310
Combined Ignorance of Law and Fact	311, 312
Carelessness and Negligence	313-322
713	

VOL. I.

§ 323–449

0	
No crime where intent is right, 323; unless there is carelessness, 324; meaning ill and doing good not intended, 325, 326; where act, wrongly meant, produces unintended evil, 327; illustrations, 328-332; distinction between malum in se and malum prohibitum, 333; how intense the evil in intent, 834; doctrine not applicable in all crimes, 335; its complete proportions not yet developed, 336.	32 3 _33f
More Intents than One operating together	837-345
	346 -355
Coverture as Constraint on the Will excusing Crime Coverture excuse for crime under some circumstances, 356, 357; the rules governing, with illustrations, 358-366.	356 –366
zimune, as aming and approximately and	367-373 374-39 6
	397-416
Capacity of Corporations for Crime	417–424
By what Words the Intent indicated in Legal Writings . General views, 425, 426; "wilfully," 427, 428; "maliciously," "malice aforethought," &c., 427, 429.	425–429
	430-442
How Subject of Criminal Law divided	443-449

, v = . = . v	
Protection to the Government in its Existence, Authority, and Functions	450 -4 80
Introductory view, 450, 451; government and people mutually dependent,—historical illustration, 452-455; right of governments to regulate labor, 453-455; treason, 456; smaller crimes of like nature, 457; refusal to hold office, 458; malfeasance in office, 459, 460; liabilities, civil and criminal, of officers, 459-463 and note; officers de jure and de facto, 464; obstructing officers, &c., 465-467; obstructing justice generally, 468; refusing to assist officer, 469; slanders of officers, assaults on them, &c., 470; offences against the purity of elections, 471; spreading false news, 472-478; political slanders, 478; counterfeiting the coin, &c., 479; other acts within this title, 480.	100-100
Protection to the Relations of the Government with other	481-485
Governments	401-400
Protection to the Public Revenue	486-488
Protection to the Public Health	489-494
Protection to Religion, Public Morals, and Education Importance of these interests, 495; offences growing out of an established religion, 496; unknown in this country, 496; how far Christianity is a part of our common law, 497; profane swearing and blasphemy, 498; observance of the Lord's Day, 499; offences against public morals, 500 et seq.; various forms of lewdness, 500-508; corrupting public shows, 504; gaming, &c., 504; other offences against public morals, 505, 506; offences against education, &c., 507, 508.	495-508
Protection to the Public Wealth and to Population Several offences against population, 509-511; expatriation, 512; mayhem, &c., 513; destruction of one's own property, 514; vagrancy, 515; other like offences, 516; owling, 517; forestalling, regrating, engrossing, 518-529.	509–52 9
Protection to the Public Convenience and Safety Nuisances, &c., 530, 531; innkeepers refusing guests, 532.	530-532
Protection to the Public Order and Tranquillity Introduction, 533; riots, routs, &c., 534; affrays, &c., 535; other breaches of peace, 536-540; barratry, maintenance, &c., 541; disturbance of public meetings, 542; general views, 543.	533-543
Protection to Individuals Introduction, 544, 545; two kinds of force, 546; personal preservation and comfort, —as to homicide, assault, injuring sick person by noise, kidnapping, &c., robbery, rape, abduction and forcible marriage, abandoning child, &c., medical malpractice, burglary, arson, &c., mental and moral force, &c., 547-564; acquiring and	544-593

716

VOL. I.	ANALYTICAL I	ndex					\$	6 85 -835
The Accessory before	as to Misdemes	anor .				•		685-689
The Accessory after-	as to Felony.				•		. 6	90-700 a
The Accessory after -	-as to Treason							701–704
The Accessory after -	-as to Misdemean	or .					•	705-708
Compounding								709-715
them to be offenc pounding misdeme	ne crimes too small, e, 711; compounding anor, 718; receiving o es analogous to compo	penal civil an	actioi iends	1, 71 for	2;	con	n- al	
Misprision				•	•	٠		716-722
What it is, 717; diffe mon-law doctrine, 7	rences of opinion as t /19–721; under United	o guilt 1 State	of, 71 s stat	.8 ; ute,	the 722	con	α-	•
$\ensuremath{\mathbf{A}} ttempt - \ensuremath{\mathbf{a}} s$ to the	General Doctrine		• :	·.	•	•	·	723-730
Endeavors which are tion, &c., 727, 728, with it, 729, 730.	not attempts, 724; og nature of the intent	n what t and l	prin 10 w a	ciple cts	e, c	ıbir	10-	
Attempt — as to the Intend what indictab 733; various other	le if fully done, 731;	change	of p	urp	• 08e	, 78	2,	731–736
end, legal capacity bility, mistake of magnitude of act, a	Kind of Act . o perform, adaptation to commit full offence fact, &c., with variou ad proximity to consur cular sort of act, 765-	, preser s-illust nmated	it abil ratio	lity, ns, 1	im) 787-	poss -758	s i- } ;	737–769
Attempt - as to Com			t .					770, 771
Attempt — as to the I								772
Attempt summary	of the doctrine .				•		٠	772 a
tions into crimes, d	ful acts, names of offer istinction between tra- out of one transaction	nces, c nsaction	uttinį a and	g up crii	tra ne,	mea moi	.c- re	778-785
Merger of Offences .			• •		•	•	•	786–790
Relations of Offences General doctrine, 793-803 exception	mutually and to Cr 21, 792; limitations a as and further limitati	und fun	ther	illu	etio stre	n tion	- 18,	791–815
Quasi Crime in Rem								816-835
Only quasi of crimin erty forfeited whe other things, 820; 821-835; abatable	nal law, &c., 817, 818; in held contrary to law filustrations and vario muisances, 828, 829; forfeiture, 831-835.	, 819 ; « ous doc	listin; trines	guis co nalit	hed nce	fro nin f st	m g,	
				- 1	111			-

			ļ		
§ 836–1011	ANALYTICAL INDEX.	VOL. I.	Aor. 11.	ANALYTICAL INDEX.	§ 1012–21
841; perfect, ex fence permissib mary of right to 875, 876; assist	and Property; defence divided into imperfect and perfect, plained and illustrated, 842-848; when perfectle, when not, 849-859; imperfect, 860-863; o defend one's person, 864-874; same of proping one another, 877.	840, t de- sum- erty,	has beer General views, I ardy attaches 1029; impossi	oardy—Rules to determine when the a Jeopardy	1012-1047 jeop- 020- rines
ntroduction, 878, ward, 885; teac husband and wi Relations other tha Principal and age 895; physician	n Domestic	and 889; 892-896 lient,	doctrines on p No Second Jeo Offence To make them s rules, 1051-16 1065, 1066; d under by-law	rinciple, 1042-1047. pardy — Rules to determine when s are the Same	the 1048-1069 1050; ence, 1067; 069.
Introduction, 897 whom powers of authority with a concealment, 90 tion, 908; limits effect, 916-919;	; definition — distinguished from amnesty, 898 f pardon and amnesty, 899-901; English laws, 902; at what time granted, 903, 904; frame 15, 906; delivery and acceptance, 907; constof power, 910-913; full or conditional, 914, United States and States, 920; some prace 15, 15, 15, 15, 15, 15, 15, 15, 15, 15,	s; in w as and true- 915:	The General Doo Bawdy-house . Letting or selling Combustible Art	Autrefois Attaint	1071-1082 1083-1089 1090-1096 1097-1100
Effect of erroneou awarded, how, 9	y Sentence of Court s sentence, 927–932; what punishment, by w 93–953; in joint convictions, 954–958.	hom	Disorderly Hous	e	1106–1112
General doctrines,	or an Offence subsequent to the First and the procedure.			Offences are committed	
Outlawry, attained consequent on fixed corruption of try, 970; receive to be a witness, 977.	ee Sentence by Operation of Law er, 967; forfeiture on attainder, 968; forfeitight, 968; reasonableness of doctrine of forfeit follood, 969; not generally received in this or at as to forfeiture of office, 971; effect on capa 972-976; cannot be a juror, 977; other effects	ture ture oun- city ects,	Exposure of Per Gaming-house Offensive Trades Public Shows	son	 . 1125-1134 . 1135-1137 . 1138-1144 . 1145-1149
Introduction, 978, 980; American, us, 981, 982; jeo between United	ly for same Offence — General View. 979; English doctrine of no second jeopar and whether English decisions authoritative we pardy in foreign country, in another State, States and States, 983-989; to what classes sie, 990, 991; defendants and government dia 2-994.	rdy, vith and s of	Wooden Buildin	gs and the like	1150, 1151
No Second Jeopard General doctrine of to second jeopard dict, absence of j tion of part, &c.,	ly — Waiver by Defendants	ons ver- vic-	Arson and other What is a bur	VOLUME II. Burnings	8-21 or occu-
	rdy Sham Prosecution procured		pancy of hou	se, 12, 13; means and intent of the burning rnings, 17; degree, attempt to burn, terr	, 1 1 –16 ;

719

§ 22–273	ANALYTICAL INDEX.	VOL. II.
motion, 30, 31; fear force unlawful, 87-41 ishment, connection v	the force as being physical, 25-29; put in or peril, 32-34; effect of consent, 35, 36; 1; aggravated assaults, 42-54; degree, punvith other crimes and with attempts, statutory minal, the intent, attempts, &c., 55-62.	22-62
Barratry		63 - 69
Battery		69 a –72 e
Blasphemy and Profan On what principle indic phemy, 76-78; to pro	ctable, &c., 73-75; doctrines peculiar to blas- ofaneness, 79; common to both, 80-84.	73–84
Bribery	86; degree of the crime, punishment, 87;	85-89
101-103; place, 104-	eakings	90~120
Champerty and Mainte Nature of these offene perty, 131-135; buyi	enance	121-140
of the symbol or tol 159, 160; public ches	general doctrine discussed, 143, 144; nature ken, 145-158; nature of the fraud involved, ats, 161-164; connection with other crimes, punishment, attempts, false pretences, &c.,	141-168
corrupt combination, 195; application of things, 196, 197,—as 214; to injure them and justice, 219-225; public nuisances, &c. 230-233; otherwise (l and discussed, 169-179; element of law of 180-190; element of law of attempt, 191-these elements to particular relations and s, conspiracies to defraud individuals, 198-otherwise, 215-218; to disturb government; to create breaches of peace, 226; to create, 227-229; concerning wages and the like, to injure both public and individuals, 234, iracies, 236-238; merger, grade of offence,	169-240
Contempt of Court and Nature of the subject, semblage, 243; again lative bodies, ministe by what act,—as, & ence of court, in abse	&c., 241, 242; against what tribunal or as- nst justices of peace, 244-246; against legis- erial officers, public meetings, &c., 247-249; eneral doctrine, judicial contempts, in pres- nce, against justices of peace, &c., &c., 250- table, 264-267; consequences, and how pro-	241-273

VOL. II.	ANALYTICAL INDEX.	§ 274-671
State laws, 283-287;	e Coin	30-282;
Disturbing Meetings .		301-310 a
Duelling		311-317
Embezzlement		318-383
embezzling, 331-851; thing embezzled,—a: employment," 360-36- mixing fund, &c., 366 379; degree of offen	general view, 318-330; classes of p confidence in person embezzling, 35 s, generally, 356-359; "by virtue 4; master's possession, 365-368; own 9, 370; act of embezzling, 372-378; ce, punishment, attempts, State and questions, &c., 380-383.	persons 2-866; of his ership, intent,
Embracery		384-389
Extortion		390-408
892; color of office, 3 corrupt, 396-400; where grade, punishment, or	on, &c., 390, 391; committed only by 98; how within legal prohibition, 39 hat obtained, 401, 402; statutes, 403 no not officer abetting, threat, &c., 405	4, 805; 3, 404;
459; what concur wit	ctrines, 409–414; what a false protone h it, 460–475; what property obtained ent, locality, attempts, &c., 485–488.	e, 415–
Definition, general doct 492-496; ownership,	tainer	consti-
Forcible Trespass		517-520 a
Nature, &c., of forgery, 523, 524; the writing cacy,—as, general doffictitious name, &c., statutes, constructious the act of forgery,—executing instrument one's own name, diffistratagem procuring &c., 572-595; the infraud, 602, 603; offens	ith its Kindred Offences	ctrine, al cffi- or not, geries, 8-571; tment, ing in ess, by litude, fecting of for-
Nature of Felonious Ho	omicide, and Historical View .	613-628
What Homicides are inc vol. 11.		629-6 71

§ 672–949	ANALYTICAL INDEX.	VOL. II.
What are Murder and	what Manslaughter	672 - 722
	nd Second Degrees distinguished	723-730
Degrees in Manslaught		731
	ndictable Homicide epitomized	732-738
Attempts to commit M	urder and Manslaughter	739-743
Some Remaining Ques	tions as to Felonious Homicide	744,745
Degree, accessories, for part.	ormer jeopardy, punishment, conviction for	
Kidnapping and False In general, 746; false in	Imprisonment	746–756
General Doctrine of La	rceny	757-760
The Property of which be committed	h Larceny at the Common Law may	761-781
The Property of whi	ch Larceny under Statutes may be	-02 FOF
committed . In general, 782, 783;	things attached to the soil, 784; choses in	782–787
action, &c., 785-787.	Property in Larceny	788-793
The Asportation in La		794-798
	in Larceny	799-839
General doctrine, 799-	803; kind of force required, 804-810; consent 822; what possession owner must have and Note. — This discussion embraces most of the	
The Intent required in	Larceny	840-852
Larcenies of Particula Persons	r Things and by Particular Classes of	853-883
By servants, 853-856	; by bailees, 857-871; by wives and persons in husband's goods, 872-874; treasure-trove, , 875-877; lost goods, 878-883.	
Some Remaining Que Grand and petit, deg prisions, transactio	estions as to Larceny	884-891
States, &c.		892-904
Compound Larcenies General doctrines, 89 ticular places, 900-9	92-894; from the person, 895-899; from par 904; postal offences, 904, note.	
Tibal and Slander .		905-949
General views, 905, 9 doctrines, 907-927	06; definition and nature of, explaining genera; different kinds of,—as against the public the dead, on government, obscene, 928–944, 5–947; degree, participants, attempt, what 49.	, ;

VOL. II.		1	\NA	ΤZ	ζTΙ	CA	L	LNI	E	ζ.					§ 950–1190
Violations of the At common 950-952; manual amounting 966, 967; cday as Sabl	law, u neanin to nuis tivil qu bath, t	inde gs c sanco iesti he i:	r sta of st e, 96 ons, nten	atu atu 5; ju it, 8	tes, itor; oth dici e.,	cor y te er o al ; 968	nsti erm ffer prod -97	tuti s, (rees eess 0,	ona Jāk- coi	-964 med	; r	epe wit	titi h t	ons his,	
Malfeasance an By justices of by other off	f peac	e, 8	kе.,	971					riff	s, &	.c.,	978	3, 9	79;	971-982
Malicious Misc Definition, &c 995; intent degree of of	., 983 , 996–	; the 998;	$\mathbf{E}\mathbf{n}$	per glis	rty, hs	984 tatu	⊢99 ites	1; in	act for	of r	nisc witl	ehiei n us	f, 9 s, 9	92– 99 ;	983-1000
Mayhem and S	tatut	ory	Ma	im	g.										1001-1008
Obstructing Ju	stice	and	l Go	ove	ırı	mei	nt								1009-1013
Perjury Distinguished the eath a falsity, 1043 American, tion, 1054-1	from nd tri 3, 104-1	othe buns 1; is	r lik ıl, i	e c 1011	offer 7–10 104	1008 029 5-10	, 10 ; 1	nato ; st:	rial atut	lity, es,	1(En	030- glisi	-10 : h s	42 ; and	1014-1056
Piracy												_			1057-1063
Prison Breach,	Resc	пе.	and	1 E	sea	me			Ī	Ī	•	Ī	•	٠	1064-1106
Definitions, n 1069; subs	ature, tantive	&e., e of	100 fence	64-1 e o	067 f p	; v orise	iew on	bre	as a	icce	8801	rial, 108:	10 4;	68, o f	1001-1100
Rape Historical viethe woman, precludes recarnal abuse attempts, 11	1118, 1 ape, 11 e of c	119 122– hild	; kir 1126	on, nds	11(of f he	ore carı	115 e, 1 nal	120, kno	11: wle	21 ; edge	wha 2, 11	ıt co 127	nse 118	ent 32;	11071136
Receiving Stole	n Go	ods													1137-1142 a
Riot												_			1143-1155
Definition, &c act, 1147-116 minor offend	51; in	tent,	115	i2;	deg	ree	, яі	lere	, & c	e., e	опт	natu ictic	ire on i	of for	1110
Robbery Definition, &c. 1166-1173; the one rob attempts, see 1179-1182.	the fe: bed, 1	ır, 1 177,	174- 117	-117 '8;	'6 ; deg	wh: ree,	at i , com	s de nbi:	em nati	ed (he ;	pers rot	son obe	of rs.	1156–1182
Rout				٠											1183-1186
Self-murder .		•		•											1187
Sepulture	• •	٠	•	•	•	•	•	•	•	•	•	72	23	•	1188-1190

§ 1191–1287	ANALYTICAL INDEX.	VOL. IL.					
Sodomy		1191–1196					
Subornation of Perjury		1197–1199					
Threatening Letters and	I the like	1200, 1201					
Treason		1202-1255					
	04; English law of, 1205-1213; against 236; against the States, 1254, 1255.						
Unlawful Assembly .		1256-1259					
Usury		1260-12 63					
Way		1264-1287					
General views, 1264, 1265; kinds of way of which the obstruction and neglect to repair are indictable, 1266-1271; act of obstruction, 1272-1279; condition of repair, in which way must be put and kept, 1280; person or corporation responsible for non-repair, 1281-1283; degree, punishment, sentence, abatement, guideposts, &c., 1284-1287.							