
An Alphabetical

I N D E X

O F T H E

Principal Matters

Contained in this

B O O K.

<p><i>Another Suit pending.</i></p> <p><i>The Effect of the Abatement of a Suit.</i></p> <p><i>Misnomer, by whom pleadable.</i></p> <p><i>Want of 15 Days.</i></p>	<p>W Here it is a good Plea in Abatement of an Appeal, (ch. 23. sect. 124.) Information, (ch. 26. sect. 63.) or Indictment, (ch. 34. sect. 1.) that another Prosecution is depending.</p> <p>Whether the Defendant shall be dismissed upon the Abatement of a Suit, or proceeded against <i>de novo</i>, ch. 34. sect. 2.</p> <p>Whether a Misnomer may be pleaded in Abatement by a Defendant appearing <i>gratis</i>, and by Attorney, ch. 34. sect. 2.</p> <p>Where an Appeal may be abated for want of fifteen Days between the <i>Teste</i> and Return of the Writ, ch. 23. sect. 101.</p>	<p>Where an Appeal, (ch. 23. sect. 102.) or Indictment, (ch. 25. sect. 70, 71.) may be abated for a Misnomer of the Name of Baptism, or Surname, or wrongful Addition, or for an Omission of the Name of Baptism or Surname, (ch. 23. sect. 100.) of the Appellant, or Appellee, or Indictee.</p> <p>Where it is a good Plea in Abatement that the Party is named of such a Town, where there is no such, (ch. 23. sect. 102.) or where a Fact is laid in a Town where there is no such, or in a Parish, &c. which contains more than one Vill. ch. 23. sect. 62.</p> <p>Whether after Imparllance, ch. 23. sect. 102.</p> <p>Who may be replied to a Plea of Misnomer, or of a wrongful Addition of Place, &c. ch. 23. sect. 102.</p>	<p><i>Misnomer or wrongful Addition, where good Pleas.</i></p> <p><i>No such Town, &c.</i></p> <p><i>Imparllance.</i></p> <p><i>Known by both Names, &c.</i></p>
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Where

I N D E X.

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- No such Person as one of the Defendants.* Where for making one a Defendant where there is no such Person, ch. 23. sect. 125.
- Suit abateable as to all the Defendants.* Where an Appeal or Indictment is abatable as to all the Defendants, and where as to one only, ch. 23. sect. 125. ch. 25. sect. 72.
- Several Pleas in Abatement pleaded together.* Where a Defendant may plead several Pleas in Abatement together, ch. 23. sect. 126.
- Matters in Bar to be pleaded at the same Time.* Where a Defendant ought to plead together with his Pleas in Abatement his Matters in Bar, and the General Issue, ch. 23. sect. 126, 135.
- Plea in Abatement, where peremptory.* Pleas in Abatement found against a Defendant in capital Cases are not peremptory, as they are in other Cases, ch. 23. sect. 126.
- Appeal, how abateable, when prosecuted by King.* Whatever is pleadable in Abatement of an Appeal when prosecuted by the Party, may as well be pleaded when it is prosecuted by the King, ch. 25. sect. 12.
- Demurrer in Abatement.* Where one may demur in Abatement, ch. 31. sect. 5, 6, 7.
- Where the Defendant may be committed after the Writ whereon he appeared is abated, ch. 23. sect. 3.
- Whether the Abatement of one Appeal be a Bar to another, ch. 23. sect. 131.
- The Court *ex Officio* shall abate a Writ for want of proper Words of Art, ch. 23. sect. 96.
- For not pursuing the Declaration, ch. 23. sect. 20, 75, 97.
- For a Defect in the Sense, ch. 23. sect. 99.
- For false *Latin*, or the Use of a Word which is not *Latin*, ch. 23. sect. 99.
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- An Appeal of Death brought by a Woman, ch. 23. sect. 42.
- Abettors.*
- Where Principals. See *Accessory* under Lett. B.
- Where liable to Damages in Appeal. See *Appeal*, Letters R. S.
- Abjuration.*
- Allowable for no Crime but Felony, ch. 9. sect. 44.
- An Attainder in Law, ch. 9. sect. 44. and ch. 48.
- The Manner of it, ch. 9. sect. 44.
- It was anciently a Bar to the Benefit of the Clergy, ch. 33. sect. 3.
- Accessory and Principal.*
- A.
- Where one may be both Accessory and Principal ch. 29. sect. 1.
- Where one may be Accessory to an Accessory, *ibid.*
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- The Reversal of the Attainder of the Principal *ipso facto* reverses that of the Accessory, ch. 29. sect. 40.
- Where Accessories are bailable, ch. 15. sect. 53.
- No Accessories in High Treason or Trespas, but all who are Accessory before are Principals, ch. 29. sect. 2. *In what Offences there may be Accessories.*
- A Receiver of a Traitor a Principal, ch. 29. sect. 3.
- He who agrees to any Trespas, not being on the Person of a Man, is a Principal, ch. 29. sect. 4.
- Whether one becomes a Trespasser by receiving a Trespasser, ch. 29. sect. 4, 5.
- There may be Accessories before and after in Petit Treason and Felony, ch. 29. sect. 5.
- In Mayhem the Accessories before may be proceeded against either as Principals or Accessories, *ibid.*
- By what Statutes Accessories are excluded from their Clergy, ch. 33. sect. 33, 37, 45, 46. and *infra*, Lett. F.
- Whether a Statute by excluding Principals from their Clergy, shall be construed to exclude Accessories, & *e converso*, ch. 33. sect. 26. 46.
- B.
- At this Day all who are present and abet a Felony, are Principals in the highest Degree, (ch. 29. sect. 7.) and may be charged either as having done the Fact generally, or according to the Special Manner in which they did it, ch. 23. sect. 76.
- Whether those who are present and abet a Robbery in a House without entering it, are ousted of their Clergy by 39 *El.* ch. 33. sect. 98 to 103.
- All those of the same Gang are Principals, tho' not actually together at the Time, ch. 29. sect. 8.
- But if the Act intended were lawful, or but a bare Trespas, the Felony happening in the Execution of it is the Felony only of him that does the Act, ch. 29. sect. 9.
- Also those who are present and merely passive, are no Way criminal, ch. 29. sect. 10.
- C.
- Where one who procures a Felony is absent, at the Time when it is committed, and no other can be adjudged a Principal, he shall be esteemed such himself, ch. 29. sect. 11. *Where Persons absent shall be esteemed Principals.*

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 Accessaries before or after to the forcible taking
 away of a Woman, where Principals, ch. 29.
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D.

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E.

The Offence of the Accessary can never amount to a higher Crime than that of the Principal, ch. 29. sect. 15.

F.

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 Whether in Petit Treason, ch. 33. sect. 53.
 Whether in Murder, ch. 33. sect. 56.
 Whether in cutting a Purse, ch. 33. sect. 60.
 Whether in Larceny to the Value of 40s. in a Dwelling-House or Shop, &c. ch. 33. sect. 64 to 69.
 Whether in stealing Naval Stores, ch. 33. sect. 70.
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 Whether in Robbery on the Highway, ch. 33. sect. 84.
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 Whether in Robbery in general, ch. 34. sect. 103.
 Whether in Burglary, ch. 33. sect. 106.
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 Those who encourage another to commit a Felony, but are so far distant when he commits it that he could not hope for immediate Help from them, are Accessaries before the Fact, ch. 33. sect. 16.
In what Manner to be charged. In an Indictment, &c. against them, there is no need to set forth the Special Manner of the Abatement, ch. 29. sect. 17.
 Where a Felony is the direct and immediate Effect of the Execution of a Command to do another Felony, the Commander is an Accessary before, ch. 29. sect. 18.
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Where the Felony committed agrees in Substance with that intended, and varies only in Circumstance, the Abettor is as much an Accessary as if there had been no manner of Variance, ch. 29. sect. 20.
 Several Instances explaining this Rule, ch. 29. sect. 20, 21, 22.

The bare Concealment of a Felony intended makes not the Concealer Accessary before, ch. 29. sect. 23.

There can be no Accessary to Homicide *per infortunium*, or *se defendendo*, ch. 29. sect. 24.

Nor can there be any Accessaries before to Manslaughter, but there may be Accessaries after, *ibid.*

Accessaries to Piracy not within 28 H. 8. ch. 29. sect. 25.

G.

Generally any Assistance given a Felon to hinder his being apprehended or tried, makes a Man Accessary after, ch. 29. sect. 26.

What Protection, Receipt or Harbouring of a Felon, shall amount to such Assistance, ch. 29. sect. 26, 27, 28, 29.

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Whether the Receipt of a Felon who is pardoned makes one an Accessary, ch. 29. sect. 31.

The Person received must be known by the Receiver to have been a Felon, ch. 29. sect. 32.

Whether his having been attainted in the same County be sufficient, ch. 29. sect. 33.

No other Relation but that of a Wife to her Husband justifies the Receipt of a Felon, ch. 29. sect. 34.

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H.

In what Manner the Principal and Accessary are to be arraigned. See Title *Arraignment*, Lett. B.

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Whether the Principal and Accessary may be both tried by the same Inquest, ch. 29. sect. 47.

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- Accord with Satisfaction.*
- A good Bar of an Appeal of Mayhem, ch. 23. sect. 24.
- Action, See Personal.*
- Acquittal.*
- Where a Plea to an Information, ch. 26. sect. 64.
- What is such an Acquittal as intitles the Appellee to his Damages, ch. 23. sect. 140, 141, 142, 143. See the Title of *Autrefois acquit*.
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- Common Law required no Addition, but only of the Name of Dignity, ch. 23. sect. 103.
- 1 *H.* 5. requires Additions generally where Process of Outlawry lies, ch. 23. sect. 104.
- And extends as well to Indictments as Appeals, ch. 25. sect. 72.
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- Persons of the same Name and Addition, how distinguished, ch. 23. sect. 105.
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- Serjeant at Law, (ch. 23. sect. 109.) Gentleman, Esq; Yeoman, &c. good Additions, ch. 23. sect. 110.
- Whether Doctor be a good Addition, ch. 23. sect. 109.
- What other Additions of the Estate or Degree are good, ch. 23. sect. 110, 111.
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- It is a good Addition of a Town, &c. to name the Defendant late of it, ch. 23. sect. 117.
- De Londino*, or *de Norwico*, good Additions of this Kind, not so *Londini*, &c. ch. 23. sect. 118.
- Where one is named of a Town not a County, the County must be shewn, *ibid.*
- Where a Defendant is named of a Parish which contains more Towns than one, he may plead it in Abatement, *ibid.*
- Also if he be nam'd of a Town which has an Addition, and such Addition be omitted, he may plead it in Abatement, ch. 23. sect. 115.
- Of what Place he is to be nam'd who lives in a Hamlet of a Town, ch. 23. sect. 120.
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- May be challenged if returned on a Jury, ch. 43. sect. 10.
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Amercement.

Where an Infant may be amerced, ch. 23. sect. 154.
 Where a Township is to be amerced for suffering an Offender to escape, ch. 12. sect. 2, 3.
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 Sheriffs Tourn, or Court-Leets may amerce for Contempts, ch. 10. sect. 17.
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Filed. Where there is no need to file it, *ibid.*
Consequence of abating a Writ of Appeal. Where Defendant appearing on a Writ of appeal void or voidable may be committed, and declared against in *Custodia Marreschalli*, *ibid.*
Eyre. A Bill of Appeal lies also before Justices of *Eyre*, (ch. 23. sect. 5.) and before Justices specially assigned, (ch. 23. sect. 6.) and before Justices of Gaol-Delivery against any one in the Gaol, or bailed by them, not let to Mainprize, (ch. 23. sect. 7.) or before Justices of Assise, (ch. 23. sect. 8.) or Sheriff and Coroner, (ch. 23. sect. 10. See *Coroner, D.*) but not before Justices of the Peace, ch. 23. sect. 9.

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C.

Appeals de Pace, de Plagis, and de Imprisonamento, now out of Use, ch. 23. sect. 15. *Appeals not Capital.*
 An Appeal of Mayhem lies not where the Hurt was not done with an evil Intention, yet such evil Intention needs not to be against the Person hurt, ch. 23. sect. 16. *For what Hurts an Appeal of Mayhem lies.*
 Every such Appeal must have both the Words *Mayhemavit* and *felonice*, ch. 23. sect. 17, 11. *The Form of it.*
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F. Ap-

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F.

Appeals of Treason. Appeals of Treason in the Courts of Common Law are wholly out of Use at this Day; but still lie before the Constable and Marshal for Treason done beyond Sea, notwithstanding the Statutes which give a Trial by the Common Law for all such Treasons, &c. ch. 23. sect. 29. ch. 4. sect. 6. *Vide supra* Lett. B.

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Appeals of Felony in general. Infancy, and Old Age, hinder not the bringing an Appeal of Felony, ch. 33. sect. 30.
Neither shall the Parol demur in an Appeal for the Plaintiff's Nonage, ch. 23. sect. 30.
But an Infant must prosecute by Guardian, and shall be non-suited for the Non-appearance of the Guardian; yet if he desire to relinquish the Suit, the Court may discharge the Guardian, *ibid.*
A Woman may bring any Appeal but of Death, ch. 23. sect. 31.
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One may appeal for the Robbery of one who robbed him, but not for the Robbery of a Trespasser, *ibid.*
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K.

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L.

An Appeal of Rape might be brought by the Common Law by any Woman whatsoever, but not by a Feme-covert without the Husband, ch. 23. sect. 58. *Appeal of Rape. By whom.*
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6 *Ric.* 2. gives the Land of Women 6 *Ric.* 2. who consent to the Ravisher to the next of Blood, and suffers not the Appellee to wage Battle, ch. 23. sect. 61.
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- Within what Time.* They may be brought in any reasonable Time, ch. 23. sect. 72.
- Arson.* Appeals of Arson are obsolete, ch. 23. sect. 73.
- M.**
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- Also an Appellee after an Acquittal may sue for the Damages by Attorney, ch. 23. sect. 74. 149.
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- Rapuit.* In Appeals of Rape *Felonice rapuit* is sufficient without *Carnaliter cognovit*, ch. 23. sect. 79.
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- What Certainty is required in shewing in what Part of the Body the Wound was given, ch. 23. sect. 80.
- What in shewing the Length and Breadth of the Wound, ch. 23. sect. 81.
- Percussit.* Whether the Word *Percussit* be necessary, ch. 23. sect. 82.
- No Intendment.* No Argument or Implication will supply the Want of an express shewing that the Death was caused by the Means supposed, *ibid.*
- In what Manner.* In what Manner it must be shewn that the Party died of the Hurt supposed, ch. 23. sect. 83.
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- Time and Place.* How the Time and Place of the Fact must be shewn in the Count in an Appeal, ch. 23. sect. 86.
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