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An Alphabetical

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## *Bribery.*

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In a strict Sense relates to Judges only, (ch. 67. sect. 1.) In a large one, to all Persons professing the Law, (ch. 67. sect. 2.) and also to all Purchasers of publick Offices, who are highly punishable at Common Law, but farther by several Statutes, (ch. 67. sect. 3.) which extend to Officers in Spiritual Courts as well as to others, (ch. 67. sect. 4.) and admit of no Dispensation, ch. 67. sect. 5.

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And no Inhabitant of the County shall be of the Jury, ch. 77. sect. 6.

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And the like is forfeited for ingrossing or regrating dead Cattle, ch. 80. sect. 14, 15, 21.  
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- Censor of the College of Physicians, whether he be within the Test-Act, ch. 8. sect. 4.

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- Are generally taken for some artful Device to defraud another without any Colour of Title, (ch. 71. sect. 1.) and must go farther than a bare naked Lie, ch. 71. sect. 2.  
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For the Offence of holding an Office without conforming to it. See *Officers.*  
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## A.

- All Persons forfeit 12 d. for being absent any Sunday or Holy Day, without a reasonable Excuse, ch. 10. sect. 1. *Forfeiture of 12 d. for every Sunday's Absence.*  
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The Offence needs not be alledged in any certain Place, ch. 10. sect. 5.

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- All Persons above sixteen forfeit 20 l. for a Month's Absence, ch. 10. sect. 6. *Forfeiture of 20 l. for every Month's Absence.*  
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*Forfeiture of Goods, and the third Part of Land.* On Default of Payment of the 20*l.* a Month, King may seize all the Goods, and two Parts of the Lands, or he may seize the two Parts of the Lands without such Default, and hold them till Conformity, ch. 10. sect. 12.  
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*The Forfeiture of 12*d.* how levied.* The Forfeiture of 12*d.* for each Day's Absence may be levied by the Church-wardens, by Warrant from one Justice of Peace, ch. 10. sect. 19.

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*The Forfeiture of 20*l.* how to be recovered by the King.* Justices of Oyer, Assize, Gaol-Delivery, or Peace, may enquire of the Absence of a Month, &c. ch. 10. sect. 21.  
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 The Proclamation must precisely pursue the Words of the Statute, ch. 10. sect. 24.  
 A personal Appearance not recorded doth no way avail the Party, ch. 10. sect. 25.  
 The King's Bench have a Jurisdiction of this Offence by Implication, ch. 10. sect. 26.  
 The Defendant can take no Advantage of any Error in the Record, except it be to the King's Prejudice, without traversing the Absence, ch. 10. sect. 27, 29.  
 Yet he may plead collateral Matter, ch. 10. sect. 28.  
 Also the King may recover the said Forfeitures by Action or Information in the Courts of Westminster, ch. 10. sect. 30.  
 And by this Means he may proceed against a Husband for the Absence of his Wife, ch. 10. sect. 31.

## F.

One Third of the 20*l.* may be sued *How by* for by any one, (ch. 10. sect. 32.) *Informer.* who may proceed for the King's Share as well as his own, (ch. 10. sect. 34.) and is no way restrained by those Statutes, which seem to give the whole to the King, (ch. 10. sect. 33, 35, 36, 37.) yet he shall be barred by a former Conviction at the King's Suit, though the King himself shall not, ch. 10. sect. 38, 39.

## G.

On Default of Payment of the 20*l.* every Month after Conviction, the King may seize two Parts of the Offender's Lands, and all his Goods, *The Danger of not paying the 20*l.* for every Month after a Conviction.* ch. 10. sect. 40, 41.  
 But on no other Conviction but such as shall be on an Indictment, nor without a Judgment, except in the Case of a Proclamation, ch. 10. sect. 41, 42, 43, 44.  
 Nor can he in any Case seize the Lands, or grant over the Goods without an Inquisition, ch. 10. sect. 45, 46.

## H.

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## I.

Such Offender is wholly discharged *How they shall be discharged.* by his Conformity, as well against the King as the Subject, before or after Judgment, ch. 10. sect. 50, 51, 52, 53.  
 Also an Heir who conforms shall hold all the Lands discharged, which were not seized in the Ancestor's Life, ch. 10. sect. 55, 56.  
 But the Lands in Fee-simple, or Tail, of an Heir who does not conform, are liable to be seized, &c. ch. 10. sect. 63.

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- Are not within the Statutes which appoint the receiving the Sacrament, ch. 8. sect. 4.
- May pull of Hats in Church, &c. ch. 63. sect. 28.
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- Difference betwixt civil and criminal Prosecutions, ch. 1. sect. 5. ch. 60. sect. 27.
- Clergy.* See *Houfe and Larceny*, and ch. 35. sect. 36.
- Clergymen.*
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- How they are to be described in an Indictment, ch. 19. sect. 33.
- Within the Statutes concerning Highways, ch. 76. sect. 14. See *Laymen*.
- Clericus.*
- The Import and Extent of the Word, ch. 7.
- Clipping.*
- High Treason, (ch. 17. sect. 61.) but not within 25 *Ed. 3.* ch. 17. sect. 55.
- Thole, who shall apprehend and convict a Clipper, shall receive 40*l.* ch. 17. sect. 64.
- Coin.*
- High Treason to counterfeit the King's Coin in Gold or Silver, (ch. 17. sect. 57.) or to bring into the Realm Money known to be false, counterfeit like the King's, or foreign currant Coin, from a foreign Nation, with an Intent to merchandize therewith, ch. 17. sect. 65, 66, 67, 68, 69.
- High Treason to forge foreign Coin currant, Mifprifion to forge it not currant, ch. 17. sect. 59, 60.
- High Treason to wash, clip, round, file, diminish or falsify for Lucre any currant Money, ch. 17. sect. 61.
- High Treason to make, buy, sell, or keep coining Instruments, or to mark Coin on the Edges, or to gild false Coin, ch. 17. sect. 62.
- Such Instruments may be seized by any Person, and shall be Evidence at the Trial, ch. 17. sect. 63.
- Felony to blanch Copper for Sale, or to mix blanch'd Copper with Silver, or to buy or sell it, or any Mixture heavier than Silver, and looking like Gold, but not so good, or to receive or pay counterfeit milled Money at a lower Rate than its Denomination imports, ch. 18. sect. 1.
- Anciently it was Felony to transport any Silver, except Plate for the Service of a Houle, ch. 18. sect. 2.
- But at this Day it is lawful to transport foreign Coin, being marked at Goldsmith's Hall, &c. ch. 18. sect. 2, 3, 4, 6.
- Penalty of 500*l.* for casting Bars of Silver in Imitation of *Spanish*, ch. 18. sect. 2.
- Six Months Imprifonment for common Brokers to buy or sell Bullion, ch. 18. sect. 6.
- Anciently Felony to multiply Gold or Silver, but not at this Day, ch. 18. sect. 7. See *Counterfeiting*.
- Collufion*, ch. 83. sect. 28, &c.
- Combat.*
- Kill another in lawful Combat, justifiable, ch. 28. sect. 16.
- Command.*
- Infants and Feme-Coverts, not guilty of a Crime from a bare Command, ch. 64. sect. 35.
- Common.*
- How far within the Statutes of forcible Entries, ch. 64. sect. 31.
- Common Law Courts.*
- Premunire* to draw any out of the Realm in Plea, whereof the Conufance belongs to the King's Courts, or to sue in other Courts to defeat the Judgments given there, ch. 19. sect. 14, 15.
- Proceedings by Commissioners of Sewers against a Judgment at Law; (ch. 19. sect. 16.) and Suits in the Admiralty, or Spiritual Courts, for a Matter appearing by the Libel to be of temporal Cognizance, (ch. 19. sect. 18, 19.) and, as some have formerly said, Suits in Equity to impeach a Judgment at Law, (ch. 19. sect. 17.) are within the Danger of this Law.
- How far the Common Law Courts may take Cognizance of Heresy, ch. 2. sect. 6, 7, 8.
- Monopolies triable only in the Courts of Law, ch. 79. sect. 10, 11.
- Common Prayer.* See *Affrays*, E.
- Clergymen refusing to use it, or depraving it, forfeit one Year's Profits of their Promotions, &c. by Statute, and may be deprived by the Spiritual Law, whether they have any Cure, ch. 7. sect. 1, 2, 3, 4.
- Laymen depraving it, forfeit 100 Marks, &c. ch. 7. sect. 5, 6.
- Companions.* See *Accessory*.
- Computation of Time.*
- Where by Lunar Months, ch. 10. sect. 11.
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*Conjuration*, ch. 3. sect. 1, 4.

## Consent.

Marriage within the Age of Consent makes not a second Marriage Felony, ch. 43. sect. 6.

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A Conspiracy to levy War against the King's Person, High Treason, ch. 17. sect. 9, 27.

A Conspiracy to raise the Price of Victuals or Work, highly Penal, ch. 80. sect. 10.

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Shall assist the Justices in making Taxes for Bridges, ch. 77. sect. 9.

May levy the Penalties for keeping an unlicensed Alehouse, (ch. 78. sect. 16.) for suffering Tippling, (ch. 78. sect. 18.) for Drunkenness, (ch. 78. sect. 20.) for Tippling, (ch. 78. sect. 21.) and must present all such Offences, ch. 78. sect. 22.

Are not within the Test-Act, ch. 8. sect. 4.

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May compel Inn-keepers to receive Guests, ch. 78. sect. 2. See *Marshall*.

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### A.

Striking in a Palace, wherein the King actually resides, so as to shed Blood, punishable with Loss of Hand, &c. ch. 21. sect. 1, 2. *Against the King's Palace.*

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Drawing a Sword; or striking in the Presence of the High Courts of Justice, without drawing Blood, punishable with Loss of Hand, &c. (ch. 21. sect. 3.) though the Person striking were first assaulted, (ch. 21. sect. 4.) but the bare Rescue of a Prisoner from those Courts, (ch. 21. sect. 5.) or the making an Affray near them, but out of their View, is not so severely punished, ch. 21. sect. 6. *Courts of Justice, by Assays.*

Threatening or Reproaching a Judge, *By Words*, (ch. 21. sect. 7.) reflecting on the Justice of a Court, (ch. 21. sect. 8.) giving the Lie in *Westminster-hall*, (ch. 21. sect. 9.) or making an Affray in an inferior Court, (ch. 21. sect. 10.) are High Contempts, &c.

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It is a high Contempt to threaten an Adversary, Counsellor, Attorney, Juror, or Gaoler, ch. 21. sect. 14.

So is it to disclose an Examination before the Counsel, to dissuade a Witness from giving Evidence, to advise a Prisoner to stand mute, or to disclose Evidence given to a Grand-Jury, ch. 21. sect. 15.

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It is a High Contempt to refuse the King our Assistance in his Counsels, or Wars, ch. 22. sect. 2. *Contempts against the K.'s Prerogative.*

To receive a Pension from a foreign Prince, ch. 22. sect. 3.

To disobey the King's Writs, not to answer Questions of State proposed by his Council, not to return from beyond Sea at his Command, or to go beyond Sea without it, ch. 22. sect. 4.

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It is a High Contempt to charge the King with Oppression or Weakness, ch. 23. sect. 1, 2.) to absolve obstinate and impenitent Traitors, (ch. 23. sect. 3.) to endeavour to frighten the King into a Change of his Measures, (ch. 23. sect. 4.) to spread false Rumours concerning his Intentions, (ch. 23. sect. 5.) to charge him with *Contempts against the King's Person or Government.*



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with a Breach of his Oath, (ch. 23. sect. 6.) to curse or endeavour to lessen him, &c. ch. 23. sect. 7.

## E.

*Or Title.* Also it is a High Contempt to deny his Title, either expressly in direct Terms, (ch. 24. sect. 4.) or impliedly by refusing to take the Oaths required either by Common Law or Statute, for the Support of his Government, ch. 24. sect. 2, 3, 4, &c.

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Necessary in an Indictment of Barratry, ch. 81. sect. 12.

## *Conventicles.*

Seditious Conventicles indictable at Common Law, ch. 2. sect. 6.  
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## *Conviction.*

A Statute, which requires a Conviction before the Punishment, says no more than the Law would have implied, ch. 10. sect. 8.  
Every Judgment amounts to a Conviction, *non è converso*, ch. 10. sect. 9, 23.  
One Conviction is regularly a Bar to a new Prosecution for the same Offence, ch. 10. sect. 38.  
Where a second Offence is more severely punished than the first, it must be committed after a Conviction, ch. 40. sect. 3. See *Offence*, *Herefy*.

## *Convocation.*

Its Power to declare Herefy, ch. 2. sect. 2, 3, 4

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Conspiring to raise the Price of Victuals, ch. 80. sect. 10.

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To be restored on a forcible Entry, ch. 64. sect. 15, 16, 17.

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## *Corporations.*

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May assign Purveyors for their Provisions, &c. without any Danger of the Statute of Forestalling, ch. 80. sect. 44, 45. See *Riots*, C.

## *Corruption of Blood.*

A Statute which saves the Corruption of Blood, saves the Descent of the Lands, and the Wife's Dower, ch. 40. sect. 5.

No Corruption of Blood on an Attainder of Piracy, ch. 37. sect. 8.

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## *Coffermongers.*

Punishable for a Conspiracy to raise the Prices of Victuals, &c. ch. 80. sect. 10.

## *Covenant.*

In some Statutes includes a parol Promise, ch. 84. sect. 5.

## *Coverture.*

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And she may be generally indicted for Crimes not capital, but not informed against without her Husband, ch. 1. sect. 12, 13. ch. 10. sect. 31.

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The same Crime for a Court-Servant to compass his Death, ch. 18. sect. 8.  
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## Counterfeiter.

Those, who coin Money without the King's Authority, or who acting under his Authority make it too base an Alloy, are Counterfeiters of it, and Traitors, ch. 17. sect. 55. See *Coin*.  
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Not within the Statute of Forestalling, ch. 80. sect. 35.

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Judgment on Demurrer, a sufficient Conviction, ch. 10. sect. 9.

## Deodand.

Whatever moves together with the Thing, which occasions a Man's Death, and any way contributes to it, (ch. 26. sect. 3, 6.) is forfeited as a *Deodand*, unless it were fixed to a Freehold, ch. 26. sect. 5.  
Whether the Person slain were of Discretion, or not, (ch. 26. sect. 4.) so that he die within the Year and Day, (ch. 26. sect. 7.) and were not on the open Sea at the Time of the Hurt, ch. 26. sect. 6.  
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Regularly no publick Officer could take any Thing whatsoever for doing his Office, though he had a Prescription for it, ch. 68. sect. 2.

But the Sheriff's Bar-Fee and the Coroners Penny claimed from Juries before Justices in

Eyre, and all stated Fees of Officers of Courts of Justice, have been always thought lawful, ch. 68. sect. 3.

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## *Felony by Statute.*

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## *Fine.*

To be assessed by the Discretion of the Court, ch. 63. sect. 20.  
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## *Fish.*

Not to be forestalled, engrossed or regrated, (ch. 80. sect. 14, 15.) except in some special Cases, ch. 80. sect. 31, 32, 33.  
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*The Defect of the Common Law.* At Law any one who had a Right of Entry might use Force, ch. 64. sect. 1.  
 But this Liberty being much abused, was found necessary to be restrained, ch. 64. sect. 2.  
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*The Provisions by Statute.* By 2 E. 3. If Arms be made use of, they may be seized, the Offender imprisoned, but the Party ousted cannot be restored, ch. 64. sect. 5.  
 By 5 R. 2. 7. those, who enter with strong Hand and Multitude of People, are to be imprisoned and ransomed, ch. 64. sect. 6.  
 By 15 R. 2. 2. Such Offenders holding a Place forcibly, are to be convicted by the Record of any Justice of Peace, and committed till they pay a Fine, ch. 64. sect. 7.  
 It is holden, That such a Record on View is not traucrtable, and that the Justice may assess the Fine, but ought not to commit the Party after the Fact, ch. 64. sect. 8.  
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the Lands to be re-seized (ch. 64. sect. 10.) And the Sheriff is to return a sufficient Jury under severe Penalties, (ch. 64. sect. 11.) also Corporation Head Officers have like Power, ch. 64. sect. 12.

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*Copyholders* and Lessees forcibly ousted by the Freeholder, are provided for by 21 Jac. 1. 15. ch. 64. sect. 15, 16, 17.  
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A Detainer may be forcible in respect of the like Threats, Numbers, or Arms, as will make an Entry forcible; or in respect of shutting one's Doors against a Justice, but not from a bare Refusal to go out of a House, ch. 64. sect. 30. *What to make a Detainer so.*

## F.

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None can be guilty in respect of Land, whereof he himself hath the sole lawful Possession and another the bare Custody, (ch. 64. sect. 32.) but a Jointenant may be guilty, (ch. 64. sect. 33.) so may every Person, who has a defeasible Possession, (ch. 64. sect. 34.) so also may an Infant or Feme-Covert acting in their own *Who may be guilty.*

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The Sheriff may raise the *Posse* to execute it, ch. 64. sect. 52. Posse.

## H.

*What ought to be the Form of the Indictment.* The Caption of the Indictment needs only shew, That the Justices before whom it was taken, were Justices of Peace, ch. 64. sect. 36.

*As to Certainty of the Land.* The Possession wherein the Force was committed must be certainly described, and is not sufficiently ascertained by the word

Tenement, or a disjunctive Expression of Things of different Natures, ch. 64. sect. 37.

*Possession and Estate.* An Indictment on 15 R. 2. needs only shew, That some Person was in Possession; but an Indictment on 8 H. 6. must shew,

That the Party had a Freehold, and on 21 Jac. 1. That he had a Term for Years, &c. ch. 64. sect. 38.

*Without Repugnancy.* A Repugnancy in such an Indictment is a fatal Fault, as where it sets forth a Disseisin of a Lessee for Years, or of one who is

said to have been always in Possession, ch. 64. sect. 39.

*Force, both in the Entry and Detainer.* An Indictment on 15 R. 2. must shew, That both the Entry and Detainer were forcible, but an Indictment of 8 H. 6. needs only shew, That one of them was so, ch. 64. sect. 40.

*Continuance of the Ouster.* No Indictment can Warrant a Restitution, unless it shew a Continuance of the Ouster, ch. 64. sect. 41.

*Time and Place.* The Ouster shall be intended to have been at the same Time and Place with the Entry, without adding *adunc & ibidem*, ch. 64. sect. 42.

*Illicitly expelled inde.* The Words *Illicitly expulsit* and *inde*, are implied in the Word *Disseisivit*, ch. 64. sect. 43.

*Vi & Armis, Complaint.* It is neither necessary to have the Words *Vi & Armis*, or to express a Complaint to the Justice, ch. 64. sect. 44.

## I.

*Restitution, of what Possessions, and to whom.* Restitution can be awarded only of Tenements visible and corporeal, (ch. 64. sect. 45.) and to one, who was seized of an actual Freehold, (ch. 64. sect. 46.) which alone seems necessary,

whether it were by Right or Wrong, ch. 64. sect. 47.

## K.

*By whom.* Restitution can't be awarded by any Justices but those before whom the Indictment was found, or the King's Bench, ch. 64. sect. 49, 50, 51.

## L.

The three Years Possession, which shall bar a Restitution, must have an uninterrupted Continuance, (ch. 64. sect. 53.) and regularly ought to be lawful, (ch. 64. sect. 53.) but perhaps does not necessarily require that the first Entry was peaceable, ch. 64. sect. 54. The Allegation of it stops Restitution till it be tried, tho' it shew not any Title or Estate, ch. 64. sect. 55.

Before the Day of the Indictment, and before the Indictment, in 31 E. 11. have the same Meaning, ch. 64. sect. 56.

Also Restitution must be stayed till the Defendant have Notice of the Charge against him, (ch. 64. sect. 59.) and if he appear and tender a Traverse, it must stay till such Traverse be tried, (ch. 64. sect. 57.) and so much found as

will warrant a Restitution, ch. 64. sect. 58. It can be superseded by no Justices, except some of those before whom the Indictment was found, or the King's Bench, ch. 64. sect. 60, 61.

The King's Bench may grant a Restitution to the Defendant, upon the Reasonableness of his Case, considered in his whole Circumstances, but is not bound to do it, *ex Rigore Juris*, ch. 64. sect. 62, 63, &c.

For other Matters, See *Homicide*. C. Notice.

*Forcible Marriage.* See *Marriage*. Traverse.

*Foreign.* Superfedas.

What shall be said to be a foreign Nation, ch. 17. sect. 67. See *Forestalling*, B. Re-restitution.

*Forestalling.* Re-restitution.

A. Re-restitution.

All endeavours to raise the Price of Merchandize, come under the Notion of *Forestalling* at Common Law, ch. 80. sect. 1, 2.) which was anciently punished with Pillory, and always with Fine and Imprisonment, ch. 80. sect. 5.

B. How punished at Common Law.

By Statute its Notion is confined to the *Forestalling* a Fair, or Market, (ch. 80. sect. 12.) and it is punished with two Months Imprisonment, and the Forfeiture of the Value of the Goods, &c. ch. 80. sect. 21, 22.

It is unlawful to *forestal* many Things which it is lawful to engross, as Barley for Malting, (ch. 80. sect. 25.) Fish, (ch. 80. sect. 32.) Victual bought by a

*How by Statute.*

*In some Cases unlawful, where Ingrossing is lawful.*

C c c c Vic-

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Victualler, (ch. 80. sect. 36.) Corn bought to be transported from one Part of the Realm to another, (ch. 80. sect. 39.) Cattle bought by a Drover, (ch. 80. sect. 40.) or by a Badger, &c. (ch. 80. sect. 41.) Provision for Shipping, (ch. 80. sect. 43.) But it is not made unlawful by Statute to forestal Sea-Fish unfalted, (ch. 80. sect. 33.) or foreign Victuals, ch. 80. sect. 35. See *Information*.

## *Forfeiture.*

No Forfeiture of Lands or Goods for Heresy, ch. 2. sect. 10.  
The Limitation of it to the King in a Statute is mere Surplus, ch. 10. sect. 33.  
When saved by Death, ch. 7. sect. 6.  
The Forfeiture of a Deodand, or of the Goods of a *Felo de se*, shall relate to the Stroke, and can be saved by no Alienation, ch. 26. sect. 7. ch. 27. sect. 10.  
But it may be saved by a Pardon before the Inquisition, ch. 26. sect. 8. ch. 27. sect. 9, 10.

## *Forgery.*

### A.

What shall be said to be Forgery at Common Law, ch. 70. sect. 1.

*Forgery at Common Law.* Deed, ch. 70. sect. 2.

In making a Will, or inserting Legacies in it without Direction, ch. 70. sect. 2, 5.

By fixing another's Hand or Seal to a Writing without his Privity, ch. 70. sect. 2, 3.

By inserting into an Indictment the Names of those against whom it was not found, ch. 70. sect. 2.

By making a material Alteration of a true Deed, ch. 70. sect. 2.

No Forgery to write a Deed in another's Name by his Command, ch. 70. sect. 3.

An Alteration of a Deed prejudicial to none but him who makes it, no Forgery, ch. 70. sect. 4.

A bare Nonfeasance, no Forgery, except in special Cases, ch. 70. sect. 6.

Forgery of a Writing, which if it were a true one, would be of no Validity, ch. 70. sect. 7.

Forgery of Records, ch. 70. sect. 8.

— Of other authentick Writings, ch. 70. sect. 9.

— Of Deeds or Wills, ch. 70. sect. 10.

*Forgery by Statute.* — Of Writings of an inferior Nature, ch. 70. sect. 11.

### B.

Forgery or Publication of any false Deed or Will, whereby any Freehold or Copyhold shall be molested; how punished for the first Time, ch. 70. sect. 12.

Forgery or Publication of a false Writing concerning a Term for Years, Annuity, or Release of a Thing personal, how punished for the first Time, ch. 70. sect. 13.

The second Offence, Felony, ch. 70. sect. 14.

By what Justices these Offences are to be determined, ch. 70. sect. 15.  
Spiritual Courts in no Danger of the Statute from proving a false Will, ch. 70. sect. 16.

## C.

A false Customary is within the *Expositions* first Branch, (ch. 80. sect. 17.) *on the Statute.* So also is a forged Lease for

Years, in the Name of one seized of an Inheritance, but not a forged Lease in the Name of a Lessee, ch. 70. sect. 18.

A forged Will in the Name of a Lessee for Years, is within the second Branch, ch. 70. sect. 19.

Forgery relating to Lands in *Ireland*, (ch. 70. sect. 20.) or purporting a Gift of personal Goods, (ch. 70. sect. 21.) or of a Statute Staple, (ch. 40. sect. 22.) is no way within the Statute, but the Forgery of a Statute-Merchant's, ch. 70. sect. 22.

He that is informed of a Forgery can't safely publish the Deed, tho' he do not know it to be forged, ch. 70. sect. 22.

The Damages to the Party grieved by a Release of a Bond, to be governed by the Penalty, ch. 70. sect. 24. See *Indictment, Conviction, Offence.*

*Frauds.* See *Cheats.*

## *Fraus Legis.*

The Law not to be evaded by a Fraud, ch. 33. sect. 8, 10. ch. 38. sect. 5. ch. 73. sect. 5. See *Evasion.*

## *Freehold.*

No Larceny in taking Things annexed to it, ch. 33. sect. 21.

*Fresh Suit.* See *Riots, E.*

## *Game-houses.*

Common Game-houses indictable as Nuisances, ch. 75. sect. 7.

## *Gaolers.*

May justify killing a Criminal endeavouring to escape, ch. 28. sect. 12.

Guilty of Felony for compelling Persons to become Appellous, ch. 51.

Not to be assaulted for doing their Duty, ch. 21. sect. 14.

How punishable for misusing a Prisoner, &c. ch. 66. sect. 2.

## *Gate.*

In a Highway, how far a Nuisance, ch. 75. sect. 9. ch. 76. sect. 50.

*General Issue.* See *Special Pleading.*

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## God.

Denying any Person in the Trinity to be God, or affirming, That there are more Gods than one, how punishable, ch. 2. sect. 11.  
Denying God's Being or Providence, how punishable, ch. 5. sect. 1.

*Gold.* See *Coin.*

## Goldsmith.

Bullion to be exported must be marked in Goldsmiths-Hall, &c. ch. 18. sect. 3.  
None but Goldsmiths or Refiners to buy or sell Bullion, ch. 18. sect. 5.

## Goods.

What are mere personal Goods, ch. 33. sect. 21, &c. See *Larceny, D.*  
The Import of the Forfeiture of Goods in a Statute, ch. 10. sect. 15.  
The King may seize a Recusant's Goods, but can't grant them over without an Inquisition, ch. 10. sect. 46.

*Government.* See *Contempt, D.*

## Gun-Powder.

Lawful for any one to import it, ch. 79. sect. 21.

## Grand Jury.

Cannot find Part of a Bill true, and Part false, ch. 64. sect. 40, 58

*Grant.* See *Goods*, ch. 10. sect. 46.

## Gravel.

Where the Surveyor of the Highway may dig for it, ch. 76. sect. 39, 40.

## Guest.

Where guilty of Larceny, ch. 33. sect. 6. 18.

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## Habeas Corpus.

FOR one committed for Heresy, chap. 2. sect. 7.

## Hackney-Coachmen,

Permitted to work on a Sunday, ch. 6. sect. 3.

*Hæretico Comburendo.* See *Heresy.*

## Hawks.

Where it is Felony to steal them, or their Eggs, ch. 33. sect. 23, 26, 27.

*Hedges.* See *Highways, I.*

## Heir.

How far a Recusant's Heir is chargeable for his Ancestor's Forfeiture, ch. 10. sect. 55, 56.  
Heir apparent may maintain his Ancestor, ch. 83. sect. 13, 14.

## Heresy.

What Errors are to be esteemed heretical, ch. 2. sect. 1, 2.  
The Jurisdiction of the Convocation over Heresy and Hereticks, ch. 2. sect. 3.  
The Jurisdiction of Archbishops, (ch. 2. sect. 5.) Bishops, and other Spiritual Judges, ch. 2. sect. 4.  
Temporal Courts no otherwise to meddle with it than as it causes Sedition, (ch. 2. sect. 6.) or as a Subject is unlawfully imprisoned under Pre- tence of it, (ch. 2. sect. 7.) or as it is pleaded in a *Quare Impedit*, ch. 2. sect. 8.  
In other Cases no Remedy but by Appeal, ch. 2. sect. 9.  
Anciently Hereticks and Sorcerers might be burnt by the Writ *de Hæretico comburendo*, but not at this Day, ch. 2. sect. 10, 11. ch. 3. sect. 2. See *Forfeiture.*

## Highway.

### A.

Any Cart, Horse, or Footway, *What is a common to all People, a Highway.*  
*Highway.* and such Cartway is the King's Highway, whether it directly lead to a Market-Town, or not, ch. 76. sect. 1.  
Outlets in an open Field near a Highway, how far Part of it, ch. 76. sect. 2.  
Highway, not to be changed without a Writ of *Ad quod Damnum*, (ch. 76. sect. 3.) or the Act of God, ch. 76. sect. 4.

### B.

To be repaired by the Parish of *By whom re-*  
common Right, and Ditches to *paired at*  
be scowred by the Ter-tenants *Common Law.*  
of the Lands adjoining, ch. 76. sect. 5.

To be repaired by particular Per- *Inclosure.*  
sons, in respect either of an In-  
closure of Lands adjoining, which obliges the  
Land-Owner to make the new Way a perfect  
good Way, (ch. 76. sect. 6, 7.)  
or of a Prescription, which *Prescription.*  
may bind any private Person to  
such Repairs in respect of a special *Tenure.*  
Tenure of Lands, and a  
Corporation aggregate, without any such spe-  
cial Reason, ch. 76. sect. 8, 9.

### C.

Every Occupier of fifty Pounds *By whom, by*  
*per Annum*, (ch. 76. sect. 13.) *Statute.*

or



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*Occupiers of Land.* or Keeper of a Draught, shall send a Cart to the Repairs of the Highways, and every Labourer must work in Person, ch. 76. sect. 10.

*Labourers.*

Persons worth 5*l.* in Goods, or 40*s.* a Year in Land, must send two Men, ch. 76. sect. 11.

Those who have a Plough-land in several Parishes, are chargeable only where they live, ch. 76. sect. 12.

*Horses.* In Countreys where there is no use of Carts, Horses must be employed, &c. ch. 76. sect. 14.

*Clergymen.* Holy Orders, no Exemption from such Repairs, ch. 76. sect. 15.

*Several Teams.* Several Teams must be sent for several Draughts, ch. 76. sect. 16.

*Land-Owners.* Owners of Lands not suffering them to be occupied, may be charged, ch. 76. sect. 17.

*Indictment.* Doing the whole required by Statute, no Plea to an Indictment at Common Law, ch. 76. sect. 18.

Sufficient for the Keeper of a Draught to send such Horses as he has, ch. 76. sect. 19.

## D.

*Assessments.* Inhabitants, and Occupiers of Lands in a Parish, how taxable to the Repairs of the Highways, ch. 76. sect. 20, 22.

The whole Parish taxable to the Repairs of a Vill, ch. 76. sect. 21.

## E.

*Fines.* Fines for not Repairing the Highways, to be applied to such Repairs, (ch. 73. sect. 23, 24.) And Lands settled in Trust for such Repairs are to be let at the improved Rent, ch. 76. sect. 25.

*Trust.*

## F.

*Enlargement of Highways.* Highways to be enlarged and cleared from Dykes and Trees, and Bushes, for 200 Foot on each Side, ch. 76. sect. 26.

*Cartway, Horse Causey.* Cartways to be made eight Foot broad, (ch. 76. sect. 27.) Horse-Causeys three Foot, ch. 76. sect. 28.

*Enlargement by Order of Sessions.* Quarter-Sessions may enlarge Highways to eight Foot breadth, by taking in Ground, and making Assessments for the Satisfaction of the Owners, &c. (ch. 76. sect. 29, 30.) who must have Notice to appear at Sessions, (ch. 76. sect. 31.) and shall have Time to cut down their Timber, (ch. 76. sect. 32.) and may appeal to Assizes, ch. 76. sect. 33.

## G.

*Surveyors, how appointed.* Surveyors of the Highways are to be nominated by a special Sessions, out of a List of the Inhabitants, and are bound to serve

under Pain of 5*l.* and if the first Nominees refuse, others are to be appointed in like Manner, (ch. 76. sect. 35.) And the Justices neglecting to make such Nomination, forfeit 5*l.* ch. 76. sect. 36.

## H.

Surveyors must view the Highways every four Months, and make a Presentment of their Condition to a Justice, and give Notice of Annoyances in the Church, and if they be not removed by the Parties, may remove and dispose of them, and shall be reimbursed their Charges by the Parties, ch. 76. sect. 37.

Also they must appoint six Days for the Repairs of the Highways, and give Notice thereof in the Church, and return the Defaulters to some Justice, who shall present them at the Quarter-Sessions, ch. 76. sect. 38.

Also they may take broken Stones from Quarries, and dig for Gravel, &c. under certain Restrictions, ch. 76. sect. 39, 40.

And they may turn a Watercourse into the Grounds adjoining, ch. 76. sect. 41.

And they may make Sluices thro' Banks in Highways, (ch. 76. sect. 42.) and may make new Ditches, ch. 76. sect. 43.

They shall be reimbursed their own Money laid out in such Repairs, by a Rate, (ch. 76. sect. 22.) And shall receive all Repairs, by a Rate, (ch. 76. sect. 23.)

They must duly execute all Parts of their Office, and make true Presentments concerning the Highways to the special Sessions, and give true Accounts, &c. under severe Penalties, ch. 76. sect. 44, 45, 46, 47, 70.

## I.

A Ditch overthwart a Way, (ch. 76. sect. 48.) or kept foul, (ch. 76. sect. 50.) or Boughs of Trees hanging over it, (ch. 76. sect. 50.) are Nuisances at Law.

No Excuse for laying Logs in it, that there is a winding Passage thro' them, ch. 76. sect. 49.

But Necessity excuses the unlading Billets in a Street, ch. 76. sect. 49.

Owners of Lands adjoining to Highways to scowr their Ditches, cut their Hedges, and lop their Trees, &c. under several Penalties, ch. 76. sect. 52, 53, 54, 55, 56, 57.

Trees and Bushes to be removed from Highways, ch. 76. sect. 58, 59, 60.

No Soil, (ch. 76. sect. 62.) Stone, Timber, Straw, or Dung, to

*How they are to execute their Office.*

*Six Days.*

*Stones and Gravel.*

*Watercourses.*

*Sluices.*

*Re-imbursment.*

*Fines for not repairing the Highways.*

*Special Sessions.*

*Forfeitures.*

*Nuisances.*

*Excuse.*

*Ditches and Hedges.*

*Trees and Bushes.*

*Soil, Dung, &c.*

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be laid in a Highway, ch. 76. sect. 61, 62, 63.

*Posts not to be removed.* No Post, Stone, or other Thing set up for the Security of the Highway to be removed, &c. ch. 76. sect. 64.

## K.

*Proceedings against Offenders.* In what Manner the Leet, or in its Default the Quarter-Sessions, are to proceed against Offences relating to the Highways, ch. 76. sect. 67.

*Fines.* How the Fines are to be estimated, assessed, levied, and accounted for, ch. 76. sect. 67, 68, 69, 70, 73.

*Presentments.* Surveyors must present all Offences of this Kind, ch. 76. sect. 70. *Supra* Letter H.

A Justice of Peace may present all such Offences of his own Knowledge (ch. 76. sect. 71.) and it is a Question whether such Presentment be traversable, ch. 76. sect. 72.

*Courts.* In what Courts such Offences may be determined, ch. 76. sect. 74.

*Day's Work.* The next Justices may punish the Failure of the Day's Work, ch. 76. sect. 75, 76.

*Indictments for Certiorari.* such Offences to be determined in the proper Counties, and not removed by *Certiorari*, ch. 76. sect. 78, 79.

Yet the Justices under this Pretence shall not be suffered to exceed their Jurisdiction, ch. 76. sect. 80.

*Six Months.* Prosecutions must be within six Months, ch. 76. sect. 81.

The Defendant shall have Notice of all such Prosecutions, (ch. 76. sect. 83.) and be admitted to traverse any such Indictment except in the Court-Leet, ch. 76. sect. 83, 84.

## L.

*Form of Indictment.* In such Indictments it is safest to shew a *Locus a quo & ad quem*, ch. 76. sect. 86.

A Place must be shewn in which the Nuisance was done, ch. 76. sect. 87.

The Length and Breadth of the way must be certainly alledged, ch. 76. sect. 88.

The Way must appear to be common, ch. 76. sect. 89.

In an Indictment against a particular Person, the Lien must be specially set forth (ch. 76. sect. 90.) and each Defendant must be specially charged, ch. 76. sect. 92.

For diverting a Highway not good, ch. 76. sect. 91.

*Vi & Armis* not necessary, ch. 76. sect. 92. See *Nuisance*.

## M.

*Assault in the Highway.* Difference between an Assault in the Highway and in a Town, ch. 28. sect. 25.

## Higbler.

Not to travel on a Sunday, ch. 6. sect. 3.

## Holiday.

Forfeiture for Absence from Church on such Day. See *Church*, A.

## Homicide.

What it is, ch. 26. sect. 2.

## A.

Justifiable Homicide must be thro' Necessity wholly without Fault, (ch. 28. sect. 1.) and must have no Malice covered with Pretence of Necessity, ch. 28. sect. 2. According to some Books it may be pleaded specially, ch. 28. sect. 3.

*Justifiable.*

*Faultless.*

*Necessity.*

*Pleadable.*

## B.

Where it happens in the Execution of Justice, the Court must have a Jurisdiction, ch. 28. sect. 4, 5, 6.

*Execution of Justice, Jurisdiction.*

And the Execution must be by the proper Officer, (ch. 28. sect. 7, 8, 9.) and warranted by the Judgment, ch. 28. sect. 10.

*Proper Officer.*

*Warrant.*

## C.

Where one may justify the Killing of a Felon, though he be not indicted, (ch. 28. sect. 11.) or of an innocent Person if he be indicted, if he fly from Justice, (ch. 28. sect. 12.) or of one, who Assaults his Gaoler, (ch. 28. sect. 13.) or of a Rioter, or forcible Enterer, &c. (ch. 28. sect. 14.) or of a Trespasser in a Park, (ch. 28. sect. 15.) or of one who fights a Combat allowed by Law, ch. 28. sect. 16.

*Advance-ment of Justice in criminal Cases. Felon.*

*Prisoner.*

*Trespasser.*

*Law, ch. 28. sect. 16.*

## D.

How far the Sheriff may justify the killing of one, who will not suffer himself to be arrested by civil Process, ch. 28. sect. 17, 18, 19, 20.

*In civil Cases.*

## E.

Generally one may justify killing one, who attempts to commit a Felony, (ch. 28. sect. 21.) yet the Party himself must be wholly without Fault, (ch. 28. sect. 22.) nor can any one justify killing another in defending himself from a bare Treipsas, (ch. 28. sect. 23.) neither is it clearly settled, that a Man may justify killing another

*In private Causes.*

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## *Imprisonment.*

Forcible Enterers, when to be imprisoned, ch. 64. sect. 8.  
Imprisonment of Affrayers. See *Affrays*, C, D, E.  
Imprisonment of Wearers of Armour. See *Armour*.  
Imprisonment of unlicensed Alehouse-keepers. See *Alehouses*.

*Incapacity.* See *Officers*.

## *Inclosure.*

How far it binds one to repair a Highway, ch. 76. sect. 6, 7.

## *Indictment.*

Difference as to the ascertaining Time and Place between an Indictment of Murder and forcible Entry, ch. 64. sect. 42.  
Regularly Indictments on Statutes must pursue the very Words, (ch. 80. sect. 13, 20. ch. 17. sect. 8, 82. ch. 19. sect. 36. ch. 35. sect. 3. ch. 42. sect. 5. ch. 16. sect. 17, 18.) but need not shew, that the Party is not within the Benefit of an Exception, ch. 10. sect. 2. ch. 80. sect. 19. See *Statute*.  
Not vitiated by improper *Latin*, unless it be unintelligible, (ch. 70. sect. 26.) or nonsensical, ch. 27. sect. 15.  
For a Nuisance, must not lay it to the Damage of particular Persons, ch. 76. sect. 89. ch. 75. sect. 3, 4, 5.  
Lawful to kill an innocent Person being indicted, if he fly from an Arrest, ch. 28. sect. 12.  
Indictment for Goods taken by a Trespasser, lies in any County whither he carries them, ch. 33. sect. 9.  
Indictment for forcible Marriage, in any County whither the Woman is carried, ch. 42. sect. 10.  
For Indictments of particular Offence. See the several Heads of those Offences, and of *Contra Pacem*, and *Vi & Armis*, and *Statute*.  
For other Matters, see *King*.

## *Infant.*

Under the Age of Discretion not to be prosecuted criminal, ch. 1. sect. 1, 8.  
How to be dealt with, if he can distinguish between Good and Evil, ch. 1. sect. 8.  
May be guilty of a forcible Entry, in respect of actual Personal Violence, ch. 64. sect. 35. See *Riots*, C.

*Inferior-Court.* See *Contempts*, B.

## *Information.*

Where necessary to lay it in the proper County, ch. 80. sect. 47. See *Church*, F.

## *Ingots.*

Forfeiture for making them in Imitation of *Spanish*, ch. 18. sect. 3.

## *Ingrossing.*

How far unlawful to sell in gross, at Common Law, ch. 80. sect. 3.  
Who an Ingrosser within the Statute, ch. 80. sect. 15.  
What Victuals may be ingrossed, ch. 80. sect. 16, 17, 18, 33, 35. See *Monopoly*.

## *Inhabitant.*

Who are taxable as Inhabitants within the Statute of Bridges, ch. 77. sect. 16.

## *Inn and Innholder.*

Innholders indictable at Law, for harbouring Thieves, suffering Disorders, Inconvenience of Situation, &c. ch. 78. sect. 1.  
Punishable at the Suit of King and Party, for refusing to entertain Guests, ch. 78. sect. 2.  
Lawful to enlarge an old Inn, or set up a new one, ch. 78. sect. 3, 4.  
Must sell their Victuals and Provender at reasonable Rates, ch. 78. sect. 8. ch. 80. sect. 6.  
In what Manner they are to make Horse-bread, ch. 78. sect. 8.  
Lawful for them to sell Butter and Cheese by Retail, ch. 80. sect. 11. See *Alehouse* and *Vintner*.

## *Inn of Court.*

Burglary in a Chamber therein, ch. 38. sect. 11, 13.

## *Inquest of Office.*

Lunacy of a Criminal, triable by Inquest of Office, ch. 1. sect. 4.  
See *Coroner* and *Forfeiture*.

## *Inquisition.*

See *Coroner* and *Forfeiture*, *Lands* and *Goods*.

## *Instrument.*

Felony to sell, or have a coining Instrument, &c. ch. 17. sect. 62.

## *Intention.*

Amounts not to Felony, ch. 25. sect. 3.  
What Intention requisite in Burglary, (ch. 38. sect. 18.) what in a Riot, ch. 65. sect. 3.

## *Invocation.*

Of an evil Spirit, Felony, ch. 3. sect. 4.

## *Ireland.*

Not a foreign Nation, as to the bringing counterfeit Money from it, ch. 17. sect. 67. See ch. 17. sect. 83.

For-

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Forgery concerning Lands there, not within the Statute, ch. 70. sect. 20.

## *Irony.*

How understood in a Libel, ch. 73. sect. 4.

## *Irreverence.*

Irreverent Behaviour in a Church, excuses a Church-warden restraining it, ch. 63. sect. 28.

## *Judges.*

How punishable for Bribery, ch. 67. sect. 6.

Punishable only in Parliament for what they do openly in Courts of Record, ch. 72. sect. 6.

Not within 8 H. 6. which makes imbezilling Records, Felony, ch. 45. sect. 4. See *Jurisdiction* and *Traverse*.

## *Judgment.*

*Præsumptio* to impeach a Judgment at Common Law, ch. 19. sect. 14, 15, 16, 17.

Villainous Judgment in Conspiracy, ch. 72. sect. 9. See *Error* and *Heir*.

## *Jurisdiction.*

Felony in executing Persons without Jurisdiction, *Homicide*, A.

Want of Jurisdiction no Excuse of Conspiracy, (ch. 72. sect. 3.) yet perhaps it makes not a judicial Complaint amount to a Libel, ch. 73. sect. 8.

## *Jury.*

No Inhabitant of a County ought to be of a Jury for a Trial of a Cause concerning the Repairs of a Bridge, ch. 77. sect. 6.

A Juror not to be prosecuted for his Verdict in criminal Matters, ch. 72. sect. 5. ch. 69. sect. 5.

Striking or Threatening a Juror, highly criminal, ch. 21. sect. 3, 14.

Juror, where guilty of Maintenance, ch. 83. sect. 8. See *Verdicts* and *Embracery*, *Larceny*, F. and *Presentment*.

*Justices of Oyer.* See *Oyer*.

## *Justices of Peace.*

Have a discretionary Power of binding to the Good Behaviour, ch. 61. sect. 4.

For their Power in other Cases, see the several general Heads under which they are contained.

## *Justification.*

Truth, no Justification of a Libel, ch. 73. sect. 6. See *Son Assault*, *Demefine*, and *Homicide*, A, B, C, D, E.

*Kalendar.* See *Computation*.

*Killing.* See *Murder*, A.

*Kindred.* See *Maintenance*, D. and *Champerty*.

## *King.*

Every King in Possession within the Statute of Treasons, ch. 17. sect. 11, 12, &c. ch. 24. sect. 1, 2, 3.

Maintenance *Kivalis*, punishable at the King's Suit only, ch. 83. sect. 2.

Whatever is to his Prejudice is indictable, ch. 75. sect. 4.

A Prerogative given to one King goes to his Successors, ch. 19. sect. 28. ch. 63. sect. 30.

For Contempts against his Courts, Prerogative, Person, Government, or Title. See *Contempts*.

A Mistake to his Prejudice may be assigned for Error, where nothing else can, ch. 10. sect. 29. See *Dispensation* and *Pardon*.

## *King's Bench.*

Has a supream Jurisdiction over all criminal Matters, ch. 64. sect. 51, 62. See *Discretion*, *Forcible Entry*, L. *Church*, E. *Certificate*, and *Riots*, E.

*Knave.* See *Words*.

## *Knowledge.*

Information in some Cases construed to amount to Knowledge, ch. 70. sect. 23.

## *Land.*

KING's Title to it must always appear of Record; therefore he cannot seize it for Recusancy, without an Inquisition, ch. 10. sect. 45.

## *Larceny.*

Simple, Grand Larceny defined, ch. 33. sect. 1.

### A.

All Larceny includes Trespass, (ch. 33. sect. 2.) Therefore he who finds Goods, or has them delivered to him as a Carrier, Taylor, or Baillee, can't steal them, (ch. 33. sect. 3.) in which respect the Common Law differs from the Civil, (ch. 33. sect. 4.) Yet one, who has Goods by Delivery may commit Larceny by

*Larceny includes Trespass.*  
*Carrier.*  
*Baillee.*

*Civil Law.*

taking

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- Taking Part.* Taking Part, (ch. 33. sect. 5.)  
*Charge, or Use of Goods.* Also one who has the bare Charge, or special Use of Goods, as a Shepherd, or Guest, may be guilty of Larceny, (ch. 33. sect. 6.) so may a Carrier, having brought them to the Place appointed, (ch. 33. sect. 7.) so may he who has them delivered to him by legal Process fraudulently obtain'd, without Colour of Title, (ch. 33. sect. 8.) And he, who steals from one who stole them, may be indicted as having stoln them from me, (ch. 33. sect. 9.) Also a Lodger may commit Larceny by stealing Goods from his Lodgings, (ch. 33. sect. 10.) so by Statute may a Servant, having Goods delivered to him to keep, and running away with them, while a Servant, (ch. 33. sect. 11, 12.) if the actual Property were in the Matter at the Time, (ch. 33. sect. 15.) but not if he barely waste them, (ch. 33. sect. 14.) or if they were delivered for any other Purpose than to keep them, (ch. 33. sect. 15.)  
*Clergy.* Also a Weaver imbezilling Wool, &c. may by Statute be guilty of Felony, ch. 33. sect. 17.
- B.**
- Carrying away.* The Thing stoln must be carried away, as it is, in Judgment of Law, by the least Removal from the Place, ch. 33. sect. 18.
- C.**
- Who may be guilty.* The Wife can't be guilty by stealing the Husband's Goods, nor a Stranger by Taking them from her Delivery; but by Taking her with the Goods, he may, ch. 33. sect. 19. See *Coversure and Necessity*.
- D.**
- Of what Goods Larceny may be.* The Goods stoln must not be annexed to a Freehold at the Time, (ch. 33. sect. 21.) and ought to have a known common Value, for which cause there can be no Larceny of Writings, (ch. 33. sect. 22.) Neither ought they to be of a base Nature, ch. 33. sect. 23.
- E.**
- Property.* Some one have a Property in the Thing stoln, therefore there can be no Larceny of a Wreck, &c. before Seizure, ch. 33. sect. 24.) nor of Fish in a River, (ch. 33. sect. 25.) nor of any other Thing *feræ Nature*, being at its natural Liberty, (ch. 33. sect. 26, 27.) yet there may be Larceny in taking Domestick Beasts, (ch. 33. sect. 28.) or *Bona cuiusdam Ignoti*, or of an Abbey in Vacation, or of a Shrowd from a Corps, (ch. 33. sect. 29.) Also one may be guilty of it by Taking his own Goods from a Carrier, ch. 33. sect. 30.
- F.**
- The Value of more than 12 d. (ch. 33. sect. 31.) makes the Offence Grand Larceny in every Accomplice, (ch. 33. sect. 32.) tho' the Goods stoln at any one Time be under that Value, ch. 33. sect. 33.  
 The Want of such Value makes the Offence Petit Larceny, (ch. 33. sect. 34.) of which one may be found guilty who is indicted of Grand Larceny, (ch. 33. sect. 35.) but shall not lose his Life nor Lands, ch. 33. sect. 36. See *Felony*.
- G.**
- What shall be said to be private Larceny from the Person, and what open, ch. 35. sect. 1.  
 Private Larceny excluded from Clergy, if above the Value of 12 d. were stoln, ch. 35. sect. 2, 3, 4.
- H.**
- Larceny from the House in many Cases excluded from the Clergy, ch. 36.  
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- I.**
- How the Common Law agrees with the *Mosaicall* as to Murther, (ch. 31. sect. 8, 16.) and differs as to Larceny, ch. 33. sect. 4.  
*Quare*, If as to Usury, ch. 82. sect. 7.  
 See *Common Law-Courts*, and *Martial Law*.
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- K.**
- Lawyer.*  
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 No Refuser of the Oath of Allegiance and Declaration against foreign Supremacy to practise as a Lawyer, under Pain of a *Premunire*, ch. 19. sect. 43.
- L.**
- Layman.*  
 Difference between the Punishment of a Layman and Clergyman for making an Affray in

*Bona Ignoti. Ecclesiæ. Shrowd.*

*The Thief's own Goods.*

*Grand Larceny. 12 d.*

*Petit Larceny. Indictment.*

*Punishment.*

*From the Person.*

*Clergy.*

*From the House.*

*Latin. See Indictment and Schoolmaster.*

*Law.*

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*Quare*, If as to Usury, ch. 82. sect. 7.  
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*Law-Books*, ch. 79. sect. 6.

*Lawyer.*

Any Person of the Profession of the Law may be guilty of Bribery, ch. 67. sect. 2.  
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Difference between the Punishment of a Layman and Clergyman for making an Affray in

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- or for depraving the Common Prayer. See *Affrays*, E. and *Common Prayer*.
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- All *Affrays*, but not private *Affaults*, (ch. 63. sect. 1.) and all *Nuiances* to Highways, (ch. 76. sect. 1, 67, 69, 74. are inquirable in the *Leet*.
- Presentments* in a *Leet*, how traversable, ch. 76. sect. 72, 84.
- Letters.* See *Libel*.
- Lendness.*
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- Truth.* *Truth*, no Justification, ch. 73. sect. 6.
- Private dead Persons.* A *Libel* may be of private Persons as well as of publick, (ch. 73. sect. 7.) even after their Death, ch. 73. sect. 1.
- Judicial Proceedings.* But no Proceeding in a regular Course of Justice shall be construed to be a *Libel*, tho' the Court have no Jurisdiction of the Matter, as some say, unless the Suggestions be wholly groundless and malicious, ch. 73. sect. 8, 12, 15.
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- High Contempt to give the *Lie* in *Westminster-Hall*, ch. 21. sect. 9.  
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- The *Lieutenant* of the County to assent to a *Papist's Licence* of going from home, ch. 12. sect. 12, 14.
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Its *Charter*, which requires, That the *Mayor* shall be in every *Commission*, extends not to such as are limited by Statute to particular Persons, ch. 45. sect. 8.
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Whether a Madman may be punished as a Traitor, ch. 1. sect. 2. ch. 17. sect. 4.

A Person *Non Compos*, neither to be arraigned nor executed, but kept in Prison, ch. 1. sect. 3, 4. See *Inquest of Office and Muse.*

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### B.

*Act of Maintenance, Money, Friendship, Evidence.* Any Assistance in a Cause, whether by Money, (ch. 83. sect. 4.) or Friendship, (ch. 83. sect. 5.) or by opening, or giving Evidence officiously, &c. (ch. 83. sect. 6.) or by openly countenancing one Side, (ch. 83. sect. 7.)

*Countenance.* or by soliciting a Judge, (ch. 83. sect. 8.) may amount to an Act of Maintenance, whether given before or after Judgment, ch. 83. sect. 11.

*Promise.* But a bare Promise, (ch. 83. sect. 7.) or friendly Advice, hanging a Plea, (ch. 83. sect. 9.) or even

*Advice.* Money before a Plea, ch. 83. sect. 10. are not Acts of Maintenance.

### C.

*Maintenance lawful in Respect of Interest.* He in Remainder or Reversion, or his Alienee, may lawfully maintain, (ch. 83. sect. 12.) to may he, who has a bare Contingency by Grant, (ch. 83. sect. 13.) to

also may he, who has a Possibility as Heir ap-

parent, (ch. 83. sect. 14.) and so perhaps may the Grantee of a Reversion before Attornment, (ch. 83. sect. 15.) and clearly, a Warrantor shall have the like Indulgence, (ch. 83. sect. 16.) so also shall he, who has an equitable Interest in Lands or Goods, or even in a Chose in Action, ch. 83. sect. 17, 21.) also those, who have a common Interest by one Title, may maintain one another, (ch. 83. sect. 18.) also one, who is Bail for another may take Care to have his Appearance recorded, ch. 83. sect. 19.

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- Malum in se.*
- Monopolies, (ch. 79. sect. 7.) and Nuisances, (ch. 75. sect. 8.) *Mala in se*. See *Prescription*.
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- Man slaughter.*
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*Usury.*



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K k k k

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## *Wreck.*

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No Felony to steal them, ch. 33. sect. 22.

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Not indictable unlefs Publick, and a Grievance to all the King's Subjects, (ch. 75. fecl. 1, 2, 3.) unlefs it tend to the Prejudice of the King or of Religion, (ch. 75. fecl. 4.) yet fome Indictments for other Nufances, as thofe againft Scolds, or for Nufances to Highways, need not conclude *ad Nocumentum omnium*, ch. 75. fecl. 5. Bawdy-houfes, Stages for Rope-dancing, and common Gaming-houfes, Nufances, ch. 75. fecl. 6. Where Play-houfes may be Nufances, ch. 75. fecl. 7. A new Dove-cote no Nufance, ch. 75. fecl. 8. An old Gate in a Highway, no Nufance, ch. 75. fecl. 9. Making Candles, or uſing the Trade of a Brewer, how far Nufances, ch. 75. fecl. 10. Diverting the Current of a navigable River a Nufance, ch. 75. fecl. 11. Dividing a Houſe for Inmates, where a Nufance, ch. 75. fecl. 12. Who muft cleanſe Rivers, &c. ch. 75. fecl. 13. Nufances, how puniſhed, ch. 75. fecl. 14. For Nufances to Highways. See *Highways*, I.

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Delivery of Money in Purſuance of an Oath extorted by Fear, Robbery, ch. 34. fecl. 4. He, that demands Surety of the Peace, muſt ſhew his Grievance upon Oath, ch. 60. fecl. 6, 8.

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A Writing, not a Libel, for merely being obſcene, ch. 73. fecl. 9.

*Occaſional Conformity*, ch. 8. fecl. 5, 6.

## *Occupiers.*

Land-Owners, chargeable to the Repairs of Highways as Occupiers, if they will not ſuffer them to be occupied, ch. 76. fecl. 17. See ch. 77. fecl. 16.

*Odio & Atia*, ch. 29. fecl. 20, 24.

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But one Punishment for one Offence, ch. 10. fecl. 7, 33. ch. 65. fecl. 38. See *Conviction*. What ſhall be conſtrued a ſecond Offence, ch. 17. fecl. 74. See *Felony by Statute*.

## *Office and Officer.*

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Publick Offices not to be bought, *Buying*. ch. 67. fecl. 3, 4, 5.

Officers not to conceal Offences, ch. 59. fecl. 3.

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How far they are bound to conſtant Conformity to the Church of England, ch. 8. fecl. 5. *Occaſional Conformity*.

All Recufants diſabled to bear an Office in the Army or Fleet, ch. 10. fecl. 47. *Recuſancy*.

Popiſh Recufants diſabled to bear any Office whatſoever, ch. 12. fecl. 8, 9.

So is the Husband of a Popiſh Recufant, ch. 12. fecl. 26.

What Officers bound to make a Declaration againſt Popery, ch. 14. fecl. 2.

All Executions muſt be by the proper Officers, ch. 28. fecl. 8, 9, 10. *Executions*.

How far a Victualler is diſabled to be an Officer, ch. 78. fecl. 5, 6, 7. *Victualler*.

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Where Treason to kill the King's High Officers, ch. 17. fecl. 46, 47. See *Peace-Officers*.

*Orders*. See *Clergymen*.

*Ordinance*. See *Monopolies*.

*Overt-Act*. See *Treason*, C.

*Ons-*

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Person is bound to repair a Bridge, the County or Town corporate, ch. 77. sect. 8.  
 And in every such Case four Justices of the Peace shall, with the Assent of the Constables, &c. of every Parish within the County or Town, tax every Inhabitant towards such Repairs, and shall appoint Collectors of the Money, and Surveyors of the Works, and compel them to give a true Account, &c. ch. 77. sect. 9, 12.  
 Also Justices of the Peace may award Procefs against all Persons bound to such Repairs, though they live out of their Jurisdiction, ch. 77. sect. 10.  
 But the Jurisdiction of the Cinque-Ports is saved, ch. 77. sect. 11.  
 Also Highways at the ends of Bridges, are to be repaired in the same Manner as the Bridges, ch. 77. sect. 12.

## C.

*The Construc- tion of the Statute.* It hath been holden, That this Statute extends to no private Bridges, (chap. 77. sect. 14.) and that it cannot be executed where there are less than four Justices, (ch. 77. sect. 15.) and that it makes all House-holders, and Occupiers of Land, taxable as Inhabitants, (ch. 77. sect. 16.) and that it requires a distinct Tax on each Inhabitant, (ch. 77. sect. 17.) and that it takes away all Privileges of Exemptions from such Repairs, (ch. 77. sect. 18.) and perhaps makes a Borough, which has no Bridge, chargeable to the Repairs of those of a County, ch. 77. sect. 19.

*Buggery,* ch. 4.

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Putting in Use a Popish Bull punishable as Treason or *Præmunire*, at the King's Election, ch. 17. sect. 75. ch. 12, 13.

## *Burglary.*

What it is, ch. 38. sect. 1.  
 In what Time it must be committed, ch. 38. sect. 2.

*Both Entry and Breaking.* It requires both an actual Entry and Breaking, (ch. 38. sect. 3.) And it is not satisfied with such a Breaking as is implied in every Trespass except in some special Cases, in respect of the heinousness of the Circumstances, (ch. 38. sect. 4.) or the defrauding of the Law, ch. 38. sect. 5.

*What a Breaking.* By Statute a Breaking to get out of a House, may amount to Burglary, ch. 38. sect. 6.

The least Entry with any Part of the Body, or Weapon is sufficient, ch. 38. sect. 7.

*What an Entry.* Also the Entry of one is the Entry of all in his Company, ch. 38. sect. 8, 9.

By some Books, it may be committed in the Walls of a Town, and other Building, which cannot be called Mansion-Houses, ch. 38. sect. 10.

But certainly all Houses taken to lodge in by a Man or his Wife, (ch. 38. sect. 11.) and their Out-buildings, and Chambers in Inns of Court, (ch. 38. sect. 11, 12, 14.) and any distinct Apartment, taken by a Lessee for a certain Term, having a Door of its own to the Street, (ch. 38. sect. 15.) and perhaps without such a Door (ch. 38. sect. 13.) may be called a Mansion-House: But a Shop divided from a House, and not taken to lodge in, cannot, ch. 38. sect. 17.  
 Burglary cannot be committed in a Booth, or Tent, ch. 38. sect. 17.  
 There must be an Intention to do some Felony, ch. 38. sect. 17.

## *Burial.*

Forfeiture for a Popish Burial, ch. 12. sect. 23.

*Burning.* See *Arson.*

## *Bushes.*

To be removed from Highways. See *Highways*, F, 1.

## *Butcher.*

Punishable for conspiring to raise the Price of Victuals, (ch. 80. sect. 10.) or for travelling on a Sunday, ch. 86. sect. 3.

## *Butler.*

Where guilty of Larceny, ch. 33. sect. 6.

## *Butter.*

Neither Butter nor Cheese to be sold in gross or regrated, (ch. 80. sect. 11, 14, 15.) except in London in some Cases, ch. 80. sect. 28.  
 To be exported Custom-free, ch. 80. sect. 29.

## *Candles.*

**T**O be exported Custom-free, ch. 80. sect. 29  
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*Captains,* ch. 48. sect. 7, 8, 9.

## *Caption.*

Of an Indictment, of what Form it must be, ch. 64. sect. 37.

## *Cards.*

Making of them not to be monopolized, ch. 79. sect. 5.

## *Carriages.*

How far liable to be pressed by Purveyors, ch. 47. sect. 3, 4, 5, 6.  
 How far chargeable to the Repairs of Highway, ch. 76. sect. 10.