

“detains, as he saith: **Therefore** we command you,  
 “by virtue of the Statute in the thirty first Year of the  
 “Lady *Elizabeth* late Queen of *England* made and provi-  
 “ded; that you cause the said *Charles Long* to be proclaim-  
 “ed upon three several Days according to the form of that  
 “Statute; (whereof one Proclamation shall be made at or  
 “near the most usual Door of the Church of the Parish  
 “wherein he inhabits) that he render himself unto you;  
 “so that you may have his Body before our Justices at  
 “*Westminster* at the Day aforesaid; to answer the said *Wil-*  
 “*liam Burton* of the Plea aforesaid. And have you there  
 “then this Writ. **Witness** Sir *John Willes*, Knight, at  
 “*Westminster*, the eighteenth Day of *June*, in the twenty  
 “eighth Year of our Reign.

“By Virtue of this Writ to me directed, at my County <sup>“Sheriff's Return;</sup>  
 “Court held at *Oxford* in the County of *Oxford*, on <sup>“Proclamari feci.</sup>  
 “*Thursday* the twenty sixth Day of *June* in the twenty  
 “ninth Year of the Reign of the Lord the King within  
 “written, I caused to be proclaimed the first time; And  
 “at the general Quarter Sessions of the Peace, held at *Ox-*  
 “*ford* aforesaid on *Tuesday* the fifteenth Day of *July* in the  
 “Year aforesaid, I caused to be proclaimed the second  
 “time; And at the most usual Door of the Church of  
 “*Burford* withinwritten on *Sunday* the third Day of *Aug-*  
 “*ust* in the Year aforesaid, immediately after divine Ser-  
 “vice, one month at the least before the within-named  
 “*Charles Long* was required the fifth time, I caused to be  
 “proclaimed the third time, that the said *Charles Long*  
 “should render himself unto me, as within it is command-  
 “ed me.

“**GEORGE** the second by the Grace of God of <sup>“Capias Utlagatum.</sup>  
 “*Great Britain, France, and Ireland* King, Defender  
 “of the Faith, and so forth; to the Sheriff of *Berkshire*,  
 “Greeting. **We** command you, that you omit not by  
 “reason of any Liberty of your County, but that you  
 “take *Charles Long*, late of *Burford* in the County of *Ox-*  
 “*ford*, Gentleman, (being outlawed in the said County of  
 “*Oxford*, on *Thursday*, the sixteenth Day of *October* last  
 “past, at the Suit of *William Burton*, Gentleman, of a  
 “Plea of Debt, as the Sheriff of *Oxfordshire* aforesaid re-  
 “turned to our Justices at *Westminster* on the Morrow of  
 “*All-Souls* then next ensuing) if the said *Charles Long* may  
 R “be

No. IX.



“be found in your Bailiwick; and him safely keep, so that  
 “you may have his Body before our Justices at *Westmin-*  
 “*ster* from the Day of *Saint Martin* in fifteen Days, to do  
 “and receive what our Court shall consider concerning  
 “him in this behalf. **Witness** *Sir John Willes*, Knight,  
 “at *Westminster*, the sixth Day of *November* in the twenty  
 “ninth year of our Reign.

“Sheriff's Return;  
 “*Cepi Corpus*.

“By Virtue of this Writ to me directed, I have taken  
 “the Body of the within-named *Charles Long*; which I  
 “have ready at the Day and Place within-contained, ac-  
 “cording as by this Writ it is commanded me.

“§. 3. \* *Bill of Middlesex, and Latitat thereupon, in the*  
 “*Court of King's Bench.*

“*Bill of Middlesex,*  
 “for *Trespas*;

“*Middlesex*; } “**The Sheriff** is commanded that he  
 “to wit. } “take *Charles Long*, late of *Burford* in  
 “the County of *Oxford*, if he may be found in his Baili-  
 “wick, and him safely keep, so that he may have his Bo-  
 “dy before the Lord the King at *Westminster*, on *Wednes-*  
 “*day* next after fifteen Days of *Easter*, to answer *William*  
 “*Burton*, Gentleman, of a Plea of *Trespas*; [and also  
 “to a Bill of the said *William* against the aforesaid *Charles*,  
 “for two hundred Pounds of Debt, according to the  
 “Custom of the Court of the said Lord the King, before  
 “the King himself to be exhibited;] and that he have  
 “there then this Precept.

“Sheriff's Return;  
 “*Non est inventus*.

“The within-named *Charles Long* is not found in my  
 “Bailiwick.

“*Latitat*.

“**GEORGE** the second by the Grace of God of  
 “*Great Britain, France, and Ireland* King, Defender  
 “of the Faith, and so forth; to the Sheriff of *Berkshire*,  
 “Greeting. **Whereas** We lately commanded our Sheriff  
 “of *Middlesex* that he should take *Charles Long*, late of  
 “*Burford* in the County of *Oxford*, if he might be found  
 “in his Bailiwick, and him safely keep, so that he might

\* Note, that §. 3, and §. 4, are the usual Methods of Process, to  
 compel an Appearance, in the Courts of *King's Bench*, and *Exchequer*; in  
 which the Practice of those Courts does principally differ from that of the  
 Court of *Common Pleas*: The subsequent Stages of Proceeding being nearly  
 alike in them all.

“be

“ be before Us at *Westminster*, at a certain Day now past,  
 “ to answer unto *William Burton*, Gentleman, of a Plea  
 “ of Trespass; [and also to a Bill of the said *William* “ *Ac etiam*  
 “ against the aforesaid *Charles*, for two hundred Pounds  
 “ of Debt, according to the Custom of our Court; before  
 “ Us to be exhibited;] and our said Sheriff of *Middlesex*  
 “ at that Day returned to Us that the aforesaid *Charles* was  
 “ not found in his Bailiwick; Whereupon on the Behalf  
 “ of the aforesaid *William* in our Court before Us it is  
 “ sufficiently attested; that the aforesaid *Charles* lurks and  
 “ runs about in your County: **Therefore** We command  
 “ you; that you take him, if he may be found in your  
 “ Bailiwick; and him safely keep, so that you may have  
 “ his Body before Us at *Westminster* on *Tuesday* next after  
 “ five Weeks of *Easter*, to answer to the aforesaid *William*  
 “ of the Plea [and Bill] aforesaid: And have you there  
 “ then this Writ. **Witness** Sir *Dudley Ryder*, Knight; at  
 “ *Westminster*, the eighteenth Day of *April*; in the twenty  
 “ eighth Year of our Reign.

“ By virtue of this Writ to me directed; I have taken “ Sheriff's Return;  
 “ the Body of the within-named *Charles Long*; which I “ *Cipi Corpus*  
 “ have ready at the Day and Place within-contained, ac-  
 “ cording as by this Writ it is commanded me.

“ §. 4. *Writ of Quo minus in the Exchequer.*

“ **G E O R G E** the second by the Grace of God of  
 “ *Great Britain, France; and Ireland* King, Defender  
 “ of the Faith, and so forth; to the Sheriff of *Berkshire*;  
 “ Greeting. **We** command you, that you omit not by  
 “ reason of any Liberty of your County, but that you  
 “ enter the same, and take *Charles Long*, late of *Burford*  
 “ in the County of *Oxford*, Gentleman, wheresoever he  
 “ shall be found in your Bailiwick, and him safely keep,  
 “ so that you may have his Body before the Barons of our  
 “ Exchequer at *Westminster*, on the Morrow of the holy  
 “ *Trinity*, to answer *William Burton* our Debtor of a Plea,  
 “ that he render to him two hundred Pounds which he  
 “ owes him and unjustly detains, whereby he is the less  
 “ able to satisfy Us the Debts which he owes Us at our  
 “ said Exchequer, as he saith he can reasonably shew that  
 “ the same he ought to render: And have you there this  
 “ Writ. **Witness** Sir *Thomas Parker*, Knight, at *West-*  
 “ *minster*,

No. IX.

“ *minster*, the sixth Day of *May*, in the twenty eighth Year  
“ of our Reign.

“ Sheriff’s Return;  
“ *Cepi Corpus*,

“ By Virtue of this Writ to me directed, I have taken  
“ the Body of the within-named *Charles Long*; which I  
“ have ready before the Barons within-written, according  
“ as within it is commanded me.”

§. 5. *Special Bail; on the Arrest of the Defendant, pursuant  
to the Testatum Capias, in page 170.*

Bail-Bond, to the  
Sheriff.

**Know all Men** by these Presents, that We *Charles Long* of *Burford* in the County of *Oxford*, Gentleman, *Peter Hammond* of *Northleigh* in the said County, Yeoman, and *Edward Thomlinson* of *Woodstock* in the said County, Innholder, are held and firmly bound to *Christopher Jones*, Esquire, Sheriff of the County of *Berks*, in four hundred Pounds of lawful Money of *Great Britain*, to be paid to the said Sheriff, or his certain Attorney, Executors, Administrators, or Assigns; for which Payment well and truly to be made, We bind ourselves and each of us by himself for the Whole and in Gross, our and every of our Heirs, Executors, and Administrators, firmly by these Presents, sealed with our Seals. Dated the fifteenth Day of *May* in the twenty eighth Year of the Reign of our sovereign Lord *George* the second by the Grace of God King of *Great Britain, France, and Ireland*, Defender of the Faith, and so forth, and in the Year of our Lord one thousand, seven hundred, and fifty five.

**The Condition** of this Obligation is such, that if the above-bounden *Charles Long* do appear before the Justices of our sovereign Lord the King at *Westminster*, on the Morrow of the holy *Trinity*, to answer *William Burton*, Gentleman, of a Plea of Debt of two hundred Pounds, then this Obligation shall be void and of none Effect, or else shall be and remain in full Force and Virtue.

Sealed, and delivered, being	<i>Charles Long</i> . (L. S.)
first duly stamped, in the	<i>Peter Hammond</i> . (L. S.)
presence of	<i>Edward Thomlinson</i> . (L. S.)
<i>Henry Shaw</i> .	
<i>Timothy Griffith</i> .	

**You Charles Long** do acknowlege to owe unto the Plaintiff four hundred Pounds, and you *John Rose* and *Peter Hammond* do severally acknowlege to owe unto the same Person the Sum of two hundred Pounds apiece, to be levied upon your several Goods and Chattels, Lands and Tenements, **upon Condition** that, if the Defendant be condemned in this Action, he shall pay the Condemnation, or render himself a Prisoner in the *Fleet* for the same; and, if he fail so to do, you *John Rose* and *Peter Hammond* do undertake to do it for him.

No. IX.

Recognizance of Bail, before the Commissioner.

*Trinity Term, 28 GEO. 2.*

*Berks,* } **On a Testatum Capias** against *Charles Long*,  
to wit. } late of *Burford* in the County of *Oxford*,  
Gentleman, returnable on the Morrow of the holy *Trinity*, at the Suit of *William Burton*, of a Plea of Debt of two hundred Pounds;

**The Bail** are, *John Rose*, of *Witney* in the County of *Oxford*, Esquire.

*Peter Hammond*, of *Northleigh* in the said County, Yeoman.

*Richard Price*, Attorney }  
for the Defendant. }

The Party himself in £. 400,  
Each of the Bail in £. 200.

Taken and acknowleged the twenty eighth Day of *May*, in the Year of our Lord one thousand, seven hundred, and fifty five, *de bene esse*, before me

*Robert Grove*,  
one of the Commissioners,

§. 6. *The Record, as removed by Writ of ERROR,*

**The Lord** the King hath given in Charge to his trusty and beloved Sir *John Willes*, Knight, his Writ closed in these Words: **GEORGE** the second by the Grace of God of *Great Britain, France, and Ireland* King, Defender of the Faith, and so forth; to our trusty and beloved Sir *John Willes*, Knight, Greeting, **Because** in the Record, and Proceſs, and also in the Giving of Judgment, of the *Plaint* which was in our Court before you, and your Fellows, our Justices of the Bench, by our Writ,

No. IX.

between *William Burton*, Gentleman, and *Charles Long*, late of *Burford* in the County of *Oxford*, Gentleman, of a certain Debt of two hundred Pounds, which the said *William* demands of the said *Charles*, manifest Error hath intervened, to the great Damage of him the said *William*, as we from his Complaint are informed: We, being willing that the Error, if any there be, should be corrected in due Manner, and that full and speedy Justice should be done to the Parties aforesaid in this Behalf, do command you, that, if Judgment thereof be given, then under your Seal you do distinctly and openly send the Record and Process of the Plaint aforesaid, with all Things concerning them, and this Writ; so that We may have them from the Day of *Easter* in fifteen Days, wheresoever We shall then be in *England*; that, the Record and Process aforesaid being inspected, We may cause to be done thereupon, for correcting that Error, what of Right and according to the Law and Custom of our Realm of *England* ought to be done. Witness Ourselves at *Westminster*, the twelfth Day of *February*, in the twenty ninth Year of our Reign.

Chief Justice's  
Return.

The Record and Process, whereof in the said Writ Mention above is made, follow in these Words, to wit:

The Record.

Sheweth at *Westminster* before Sir *John Willes*, Knight, and his Brethren, Justices of the Bench of the Lord the King at *Westminster*, of the Term of the holy *Trinity*, in the twenty eighth Year of the Reign of the Lord *GEORGE* the second by the Grace of God of *Great Britain, France, and Ireland* King, Defender of the Faith, &c.

Writ.

*Oxon*, } *Charles Long*, late of *Burford* in the County  
to wit. } afore said, Gentleman, was summoned to  
answer *William Burton* of *Yarnton* in the said County,  
Gentleman, of a Plea that he render unto him two hundred Pounds, which he owes him and unjustly detains, [as he saith.] And whereupon the said *William*, by *Thomas Gough* his Attorney, complains, that whereas on the first Day of *December*, in the Year of our Lord one thousand, seven hundred, and fifty four, at *Banbury* in this County, the said *Charles* by his Writing obligatory did acknowledge himself to be bound to the said *William* in the said Sum of two hundred Pounds of lawful Money of *Great Britain*, to be paid to the said *William*, when-  
ever

Declaration, or  
Count, on a Bond.

ever after the said Charles should be thereto required; nevertheless the said Charles (although often required) hath not paid to the said William the said Sum of two hundred Pounds, nor any Part thereof, but hitherto altogether hath refused, and doth still refuse, to render the same; wherefore he saith that he is injured, and hath Damage, to the Value of ten Pounds: And thereupon he brings Suit, [and good Proof.] And he brings here into Court *Profert in Curia.* the Writing obligatory aforesaid; which testifies the Debt aforesaid in Form aforesaid; the Date whereof is the Day and Year beforementioned. And the aforesaid Charles, by Defence. *Richard Price* his Attorney, comes and defends the Force and Injury when [and where the Court shall award,] and craves Oyer of the said Writing obligatory, and it is read Oyer prayed of the Bond, and Condition, viz. to perform an Award. unto him [in the Form aforesaid:] He likewise craves Oyer of the Condition of the said Writing, and it is read unto him in these Words; "The Condition of this Obligation "is such, that if the above bounden Charles Long, his "Heirs, Executors, and Administrators, and every of "them, shall and do from Time to Time, and at all "Times hereafter, well and truly stand to, obey, observe, "fulfill, and keep, the Award, Arbitrament, Order, "Rule, Judgment, final End, and Determination, of "David Stiles, of Woodstock in the said County, Clerk, "and Henry Bacon of Woodstock aforesaid, Gentleman, "(Arbitrators indifferently nominated and chosen by and "between the said Charles Long and the abovenamed "William Burton, to arbitrate, award, order, rule, judge, "and determine, of all and all manner of Actions, Cause "or Causes of Action, Suits, Plaints, Debts, Duties, "Reckonings, Accounts, Controversies, Trespases, and "Demands whatsoever had, moved, or depending, or "which might have been had, moved, or depending, by "and between the said Parties, for any Matter, Cause, or "Thing, from the Beginning of the World until the Day "of the Date hereof) which the said Arbitrators shall "make and publish, of or in the Premises, in Writing "under their Hands and Seals, or otherwise by Word of "Mouth, in the presence of two credible Witnesses, on or "before the first Day of January next ensuing the Date "hereof; then this Obligation to be void and of none "Effect, or else to be and remain in full Force and Vir- "tue." Which being read and heard, the said Charles *Impar lance.* prays leave to imparl therein here until the Octave of the holy

No. IX.

Continuance.

Plea;

No such Award.

Replication;  
setting forth an  
Award.

holy *Trinity*; and it is granted unto him. The same Day is given to the said *William Burton* here, &c. At which Day, to wit, on the Octave of the holy *Trinity*, here come as well the said *William Burton* as the said *Charles Long*, by their Attorneys aforesaid: And hereupon the said *William* prays that the said *Charles* may answer to his Writ and Count aforesaid. And the aforesaid *Charles* defends the Force and Injury, when, &c, and saith, that the said *William* ought not to have or maintain his said Action against him, because he saith, that the said *David Stiles* and *Henry Bacon*, the Arbitrators before named in the said Condition, did not make any such Award, Arbitrament, Order, Rule, Judgment, final End, or Determination, of or in the Premises above specified in the said Condition, on or before the first Day of *January*, in the Condition aforesaid above mentioned, according to the Form and Effect of the said Condition: And this he is ready to verify. Wherefore he prays Judgment, whether the said *William* ought to have or maintain his said Action thereof against him; [and that he may go thereof without a Day.] AND the aforesaid *William* saith, that, for any thing above alleged by the said *Charles* in Pleading, he ought not to be precluded from having his said Action thereof against him; because he saith, that after the making of the said Writing obligatory, and before the said first Day of *January*, to wit, on the twenty sixth Day of *December*, in the Year aforesaid, at *Banbury* aforesaid, in the Presence of two credible Witnesses, namely, *John Dew* of *Charlbury*, in the County aforesaid, and *Richard Morris* of *Wytham* in the County of *Berks*, the said Arbitrators undertook the Charge of the Award, Arbitrament, Order, Rule, Judgment, final End, and Determination aforesaid, of and in the Premises specified in the Condition aforesaid; and then and there made and published their Award by Word of Mouth in Manner and Form following, that is to say; The said Arbitrators did award, order, and adjudge, that he the said *Charles Long* should forthwith pay to the said *William Burton* the Sum of seventy five Pounds, and that thereupon all Differences between them at the time of the making the said Writing obligatory should finally cease and determine. And the said *William* further saith, that although he afterwards, to wit on the sixth Day of *January*, in the Year of our Lord one thousand, seven hundred, and fifty five, at *Banbury* aforesaid, requested the said

*Charles*



*Charles* to pay to him the said *William* the said seventy five pounds, yet (by Protestation that the said *Charles* hath not stood to, obeyed, observed, fulfilled, or kept any part of the said Award, which by him the said *Charles* ought to have been stood to, obeyed, observed, fulfilled, and kept) for further Plea therein he saith, that the said *Charles* the said seventy five Pounds to the said *William* hath not hitherto paid: And this he is ready to verify. Wherefore he prays Judgment, and his Debt aforesaid, together with his Damages occasioned by the Detention of the said Debt, to be adjudged unto him, &c. **And** the aforesaid *Charles* saith, that the Plea aforesaid, by him the said *William* in Manner and Form aforesaid above in his Replication pleaded, and the Matter in the same contained, are in no wise sufficient in Law for the said *William* to have or maintain his Action aforesaid thereupon against him the said *Charles*; to which the said *Charles* hath no Necessity, neither is he obliged by the Law of the Land. in any manner to answer: And this he is ready to verify. Wherefore, for want of a sufficient Replication in this behalf, the said *Charles*, as aforesaid, prays Judgment, and that the aforesaid *William* may be precluded from having his Action aforesaid thereupon against him, &c. And the said *Charles*, according to the Form of the Statute in that case made and provided, shews to the Court here the Causes of Demurrer following; to wit, that it doth not appear, by the Replication aforesaid, that the said Arbitrators made the same Award in the presence of two credible Witnesses on or before the said first Day of *January*, as they ought to have done, according to the Form and Effect of the Condition aforesaid; and that the Replication aforesaid is uncertain, insufficient, and wants Form. **And** the aforesaid *William* saith, that the Plea aforesaid by him the said *William* in Manner and Form aforesaid above in his Replication pleaded, and the Matter in the same contained, are good and sufficient in Law for the said *William* to have and maintain the said Action of him the said *William* thereupon against the said *Charles*; which said Plea, and the Matter therein contained, the said *William* is ready to verify and prove as the Court shall award: And because the aforesaid *Charles* hath not answered to that Plea, nor hath he hitherto in any manner denied the same, the said *William* as before prays Judgment, and his Debt aforesaid, together with his Damages occasioned by the Detention of that

*Protestando.*

Demurrer.

Causes of Demurrer.

Joinder in Demurrer.

No. IX.

Continuances.

Opinion of the Court:

Replication insufficient.

Judgment, for the Defendant.

Amercement of the Plaintiff, and his Pledges.

General Error assigned.

Writ of Scire facias, to hear Errors.

that Debt, to be adjudged unto him, &c. **And because** the Justices here will advise themselves of and upon the Premises before they give Judgment thereupon, a Day is thereupon given to the Parties aforesaid here, until the Morrow of *All-Souls*, to hear their Judgment thereupon, for that the said Justices here are not yet advised thereof. At which Day here come as well the said *Charles* as the said *William*, by their said Attorneys; and because the said Justices here will farther advise themselves of and upon the Premises before they give Judgment thereupon, a Day is farther given to the Parties aforesaid here until the Octave of Saint *Hilary*, to hear their Judgment thereupon, for that the said Justices here are not yet advised thereof. At which Day here come as well the said *William Burton* as the said *Charles Long*, by their said Attorneys: **Wherefore**, the Record and Matters aforesaid having been seen, and by the Justices here fully understood, and all and singular the Premises being examined, and mature Deliberation being had thereupon; for that it seems to the said Justices here, that the said Plea of the said *William Burton* before in his Replication pleaded, and the Matter therein contained, are not sufficient in Law, to have and maintain the Action of the aforesaid *William* against the aforesaid *Charles*; **therefore it is considered**, that the aforesaid *William* take nothing by his Writ aforesaid, but that he and his Pledges of prosecuting, to wit, *John Doe* and *Richard Roe*, be in Mercy for his false Complaint; and that the aforesaid *Charles* go thereof without a Day, &c.

**Afterwards**, to wit, on *Wednesday* next after fifteen Days of *Easter* in this same Term, before the Lord the King, at *Westminster*, comes the aforesaid *William Burton*, by *Peter Manwaring* his Attorney, and saith, that in the Record and Process aforesaid, and also in the Giving of the Judgment in the Plaint aforesaid, it is manifestly erred in this; to wit, that the Judgment aforesaid was given in Form aforesaid for the said *Charles Long* against the aforesaid *William Burton*, where by the Law of the Land Judgment should have been given for the said *William Burton* against the said *Charles Long*: And this he is ready to verify. **And** the said *William* prays the Writ of the said Lord the King, to warn the said *Charles Long* to be before the said Lord the King, to hear the Record and Process aforesaid: And it is granted unto him: By which the

the Sheriff aforesaid is commanded that by good [and lawful Men of his Bailiwick] he cause the aforesaid *Charles Long* to know, that he be before the Lord the King from the Day of *Easter* in five Weeks, wheresoever [he shall then be in *England*,] to hear the Record and Process aforesaid, if [it shall have happened that in the same any Error shall have intervened ;] and farther [to do and receive what the Court of the Lord the King shall consider in this behalf.] The same Day is given to the aforesaid *William Burton*. **At which Day** before the Lord the King, at *Westminster*, comes the aforesaid *William Burton*, by his Attorney aforesaid: And the Sheriff returns, that by Virtue of the Writ aforesaid to him directed he had caused the said *Charles Long* to know, that he be before the Lord the King at the Time aforesaid in the said Writ contained, by *John Den* and *Richard Fen*, good, &c; as by the same Writ was commanded him: Which said *Charles Long*, according to the Warning given him in this behalf, here cometh by *Thomas Webb* his Attorney. **Whereupon** the said *William* saith, that in the Record and Process aforesaid, and also in the Giving of the Judgment aforesaid, it is manifestly erred, alleging the Error aforesaid by him in the Form aforesaid alleged, and prays, that the Judgment aforesaid for the Error aforesaid, and others, in the Record and Process aforesaid being, may be reversed, annulled, and entirely for nothing esteemed, and that the said *Charles* may rejoin to the Errors aforesaid, and that the Court of the said Lord the King here may proceed to the Examination as well of the Record and Process aforesaid, as of the Matter aforesaid above for Error assigned. **And** the said *Charles* saith, that neither in the Record and Process aforesaid, nor in the Giving of the Judgment aforesaid, in any thing is there erred; and he prays in like manner that the Court of the said Lord the King here may proceed to the Examination as well of the Record and Process aforesaid, as of the Matters aforesaid above for Error assigned. **And because** the Court of the Lord the King here is not yet advised what Judgment to give of and upon the Premises, a Day is thereof given to the Parties aforesaid until the Morrow of the holy *Trinity*, before the Lord the King, wheresoever he shall then be in *England*, to hear their Judgment of and upon the Premises, for that the Court of the Lord the King here is not yet advised thereof. **At which Day** before the Lord the

Sheriff's Return;  
Scire feci.

Error assigned  
afresh.

Rejoinder;  
*In nullo est erratum.*

Continuance.

No. IX.

Opinion of the Court.

Judgment of the common Pleas reversed.

Judgment, for the Plaintiff.

Costs.

Defendant amerced.

the King, at *Westminster*, come the Parties aforesaid by their Attorneys aforesaid: **Whereupon**, as well the Record and Proceſs aforesaid, and the Judgment thereupon given, as the Matters aforesaid by the ſaid *William* above for Error aſſigned, being ſeen, and by the Court of the Lord the King here being fully underſtood, and mature Deliberation being thereupon had, for that it appears to the Court of the Lord the King here, that in the Record and Proceſs aforesaid, and alſo in the Giving of the Judgment aforesaid, it is manifeſtly erred, **therefore it is conſidered**, that the Judgment aforesaid, for the Error aforesaid, and others, in the Record and Proceſs aforesaid, be reverſed, annulled, and entirely for nothing eſteemed; and that the aforesaid *William* recover againſt the aforesaid *Charles* his Debt aforesaid, and alſo fifty Pounds for his Damages which he hath ſuſtained, as well on Occaſion of the Detention of the ſaid Debt, as for his Coſts and Charges by him put unto about his Suit in this behalf, to the ſaid *William* with his Conſent by the Court of the Lord the King here adjudged. And the ſaid *Charles* in Mercy.

## §. 3. Proceſs of Execution.

Writ of *Capias ad Satisfaciendum*.

**G E O R G E** the ſecond by the Grace of God of *Great Britain, France, and Ireland* King, Defender of the Faith, and ſo forth; to the Sheriff of *Oxfordſhire*, Greeting. **We** command you, that you take *Charles Long*, late of *Burford*, Gentleman, if he may be found in your Bailiwick, and him ſafely keep, ſo that you may have his Body before Us in three Weeks from the Day of the holy *Trinity*, whereſoever We ſhall then be in *England*, to ſatisfy *William Burton* for two hundred Pounds Debt, which the ſaid *William Burton* hath lately recovered againſt him in our Court before Us, and alſo fifty Pounds, which were adjudged in our ſaid Court before Us to the ſaid *William Burton*, for his Damages which he hath ſuſtained, as well by Occaſion of the Detention of the ſaid Debt, as for his Coſts and Charges by him put unto about his Suit in this behalf, whereof the ſaid *Charles Long* is convicted, as it appears to Us of Record: And have you there then this Writ. **Witness** Sir *Thomas Deniſon*\*, Knight, at *West-*

\* The ſenior *juſtice*; there being no chief *juſtice* that Term,  
*minſter*,

*minster*, the nineteenth Day of *June*, in the twenty ninth Year of our Reign.

No. IX.

By Virtue of this Writ to me directed, I have taken Sheriff's Return; the Body of the within named *Charles Long*; which I have *Cepi Corpus*, ready before the Lord the King, at *Westminster*, at the Day within-written, as within it is commanded me.

**G E O R G E** the second by the Grace of God of Writ of *Fieri fa-*  
*Great Britain, France, and Ireland* King, Defender of the *cias*.  
 Faith, and so forth; to the Sheriff of *Oxfordshire*, Greet-  
 ing. We command you, that of the Goods and Chattels  
 within your Bailiwick of *Charles Long*, late of *Burford*,  
 Gentleman, you cause to be made two hundred Pounds  
 Debt, which *William Burton* lately in our Court before  
 Us at *Westminster* hath recovered against him, and also fifty  
 Pounds, which were adjudged in our Court before Us to  
 the said *William*, for his Damages which he hath sustained,  
 as well by Occasion of the Detention of his said Debt, as  
 for his Costs and Charges by him put unto about his Suit  
 in this behalf, whereof the said *Charles Long* is convicted,  
 as it appears to Us of Record: And have that Money be-  
 fore Us in three Weeks from the Day of the holy *Trinity*,  
 wheresoever We shall then be in *England*, to render to the  
 said *William* of his Debt and Damages aforesaid: And  
 have there then this Writ. Witness Sir *Thomas Denison*,  
 Knight, at *Westminster*, the nineteenth Day of *June*, in  
 the twenty ninth Year of our Reign.

By Virtue of this Writ to me directed, I have caused Sheriff's Return; to be made of the Goods and Chattels of the within-writ- *Fieri feci*.  
 ten *Charles Long*, two hundred and fifty Pounds; Which I  
 have ready before the Lord the King at *Westminster* at the  
 Day within-written, as it is within commanded me.

No. X.

No. X.

No. X.

*Proceedings on an Indictment of MURDER,  
at the Assises.*

§. 1. *Indictment, and Conviction, of Murder.*

Session of Oyer  
and Terminer.

Commission of

Oyer and Terminer;

*Warwickshire,* } **BE** it remembered, that at the Ses-  
to wit, } sion of Oyer and Terminer of the  
Lord the King, holden at *Warwick*, in and for the said  
County, on *Friday* the twelfth Day of *March* in the  
twentieth Year of the Reign of the Lord *GEORGE* the  
second, now King of *Great Britain*, before Sir *William*  
*Lee*, Knight, chief Justice of the said Lord the King  
assigned to hold Pleas before the King himself, Sir  
*Thomas Burnet*, Knight, one of the Justices of the said  
Lord the King of the Bench, and others their Fellows,  
Justices of the said Lord the King, assigned by Letters  
patent of the said Lord the King, under the great Seal of  
*Great Britain*, made to them the aforesaid Justices and  
others, and any two or more of them, (whereof one of  
them the said Sir *William Lee* and Sir *Thomas Burnet*,  
among others in the said Letters patent named, the said  
Lord the King would should be one) to enquire fully by  
the Oath of good and lawful Men of the County aforesaid,  
by whom the Truth of the Matter might be the better  
known, (and by other Ways, Methods, and Means,  
whereby they might the better know, or be able, as well  
within Liberties as without,) the Truth of all Treasons,  
Misprisions of Treasons, Insurrections, Rebellions, Mur-  
ders, Felonies, Manslaughters, Killings, Burglaries,  
Rapes of Women, and other Misdeeds, Offences, and  
Injuries whatsoever, and also the Accessories of the same,  
within the County aforesaid, as well within Liberties as  
without, by whomsoever and howsoever done, had, per-  
petrated, and committed, and by whom, to whom, when,  
how, and in what manner; and of other Articles and Of-  
fences in the said Letters patent of the said Lord the King  
specified, the Premises and every and each of them how-  
soever concerning; and to hear and determine the said  
Treasons and other the Premises, according to the Law,  
and

and Custom of the Realm of *England*; and also Keepers of the Peace, and Justices of the said Lord the King, assigned to hear and determine divers Felonies, Trespasses, and other Misdemeanors committed within the County aforesaid: by the Oath of Sir *James Thompson*, Baronet, *Charles Roper*, *Henry Dawes*, *Peter Wilson*, *Samuel Rogers*, *John Dawson*, *James Philips*, *John Mayo*, *Richard Savage*, *William Bell*, *James Morris*, *Laurence Hall*, and *Charles Carter*, Esquires, good and lawful Men of the County aforesaid, impanelled, sworn, and charged to enquire for the said Lord the King and for the Body of the said County, it is presented, **that** *Peter Hunt*, late of *Birmingham* in the said County, Gentleman, not having God before his Eyes, but being moved and seduced by the Instigation of the Devil, on the fifth Day of *March* in the said twentieth Year of the Reign of the said Lord the King, at *Birmingham* aforesaid, with Force and Arms, in and upon one *Samuel Collins*, in the Peace of God and of the said Lord the King then and there being, feloniously, wilfully, and of his Malice aforethought, did make an Assault; and that the said *Peter Hunt* with a certain drawn Sword, of the value of five Shillings, which he the said *Peter Hunt* in his right Hand then and there had and held, the said *Samuel Collins* in and upon the left Side of the Belly of him the said *Samuel Collins* then and there feloniously, wilfully, and of his Malice aforethought, did strike and thrust; giving unto the said *Samuel Collins*, then, and there, with the Sword aforesaid, in and upon the left Side of the Belly of him the said *Samuel Collins*, one mortal Wound of the Breadth of one Inch, and the Depth of nine Inches; of which said mortal Wound he the said *Samuel Collins* then and there instantly died: And so the said *Peter Hunt* him the said *Samuel Collins*, on the aforesaid fifth Day of *March*, in the Year aforesaid, at *Birmingham* aforesaid, in the County aforesaid, in Manner and Form aforesaid, feloniously, wilfully, and of his Malice aforethought, did kill and murder, against the Peace of the said Lord the now King, his Crown, and Dignity. **Whereupon** the Sheriff of the County aforesaid is commanded, that he omit not for any Liberty in his Bailiwick, but that he take the said *Peter Hunt*, if he may be found in his Bailiwick, and him safely keep, to answer to the Felony and Murder whereof he stands indicted. **Which** said Indictment the said Justices of the Lord the King abovenamed, afterwards,

No. X.

and of the Peace.

Grand Jury.

Indictment.

Capias.

Session of Gaol-delivery.

to

No. X.

Arraignment.

Plea; Not Guilty.

Verdict.

Verdict; Guilty  
of Murder.

to wit, at the Delivery of the Gaol of the said Lord the King, holden at *Warwick* in and for the County aforesaid, on *Friday* the sixth Day of *August*; in the twenty first Year of the Reign of the said Lord the King; before *Charles Clarke*, Esquire, one of the Barons of the Exchequer of the said Lord the King, *Sir Michael Foster*, Knight, one of the Justices of the said Lord the King assigned to hold Pleas before the King himself; and others their Fellows, Justices of the said Lord the King, assigned to deliver his said Gaol of the County aforesaid of the Prisoners therein being, by their proper Hands do deliver here in Court of Record in Form of Law to be determined. **And afterwards**, to wit, at the same Delivery of the Gaol of the said Lord the King of his County aforesaid, on the said *Friday* the sixth Day of *August*; in the said twenty first Year of the Reign of the said Lord the King, before the said Justices of the Lord the King last above named and others their Fellows aforesaid, here cometh the said *Peter Hunt*, under the Custody of *William Browne*, Esquire, Sheriff of the County aforesaid, (in whose Custody in the Goal of the County aforesaid, for the Cause aforesaid, he had been before committed) being brought to the Bar by the said Sheriff, to whom he is here also committed: **And** forthwith being demanded of the Premises aforesaid above charged upon him how he will acquit himself thereof, he saith, that he is not guilty thereof; and thereof for Good and Evil he puts himself upon the Country: **Therefore** let a Jury thereupon here immediately come before the said Justices of the Lord the King last abovenamed, and others their Fellows aforesaid, by whom the Truth of the Matter may be the better known, and who have no Affinity to the said *Peter Hunt*, to recognize upon their Oath, whether the said *Peter Hunt* be guilty of the Premises in the Indictment aforesaid above specified, or not guilty. And the Jurors of the said Jury by the said Sheriff for this Purpose impanelled and returned, to wit, *David Williams*, *John Smith*, *Thomas Horne*, *Charles Nokes*, *Richard May*, *Walter Duke*, *Matthew Lyon*, *James White*, *William Bates*, *Oliver Green*, *Bartholomew Nash*; and *Henry Long*, being called, come; Who being elected, tried, and sworn, to speak the Truth of the Premises upon their Oath say, **that** the said *Peter Hunt* is guilty of the Felony and Murder aforesaid, on him above charged in the Form



Form aforesaid, as by the Indictment aforesaid is above supposed against him; and that the said *Peter Hunt* at the Time of committing the said Felony and Murder, or at any Time since; had no Goods or Chattels, Lands or Tenements, to the Knowledge of the said Jurors. And upon this it is demanded of him, if he hath or knoweth any thing to say, wherefore the said Justices ought not upon the Premises to proceed to Judgment and Execution of him: Who nothing further saith, unless as he before had said: **Therefore it is considered** by the said Justices <sup>Judgment, of</sup> here, that the said *Peter Hunt* be hanged by the Neck <sup>Death.</sup> till he be dead.

§. 2. *Conviction of Manslaughter.*

— upon their Oath say, that the said *Peter Hunt* <sup>Verdict; — Not</sup> is not guilty of the Murder aforesaid, above charged upon <sup>guilty of Murder;</sup> him; but that the said *Peter* is guilty of the felonious <sup>Guilty of Man-</sup> Slaying of the aforesaid *Samuel Collins*; and that he had <sup>slaughter.</sup> no Goods or Chattels, Lands or Tenements, at the Time of the Felony and Manslaughter aforesaid, or ever afterwards to their Knowledge. And immediately it is demanded of the said *Peter*, if he hath or knoweth any thing to say, wherefore the Justices here ought not upon the Premises to proceed to Judgment and Execution of him: **Who saith** that he is a Clerk, and prayeth the Benefit of <sup>Clergy prayed.</sup> Clergy to be allowed him in this behalf: **Therefore it** <sup>Judgment, to be</sup> **is considered** by the said Justices here, that the said *Peter Hunt* be burned in his left Hand, and delivered. <sup>burned, and de-</sup> <sup>livered.</sup> And immediately he is burned in his left Hand, and is delivered, according to the Form of the Statute.

AN ALPHABETICAL  
INDEX  
OF THE  
GENERAL TITLES  
AND  
PARTICULAR EXAMPLES  
COMPRISED IN THE  
ANALYSIS AND APPENDIX.

<p><b>A</b> Batement of Freeholds. Page 86.          ----- Nufances. 74, 91.          ----- Writs, &amp;c. 97.          ----- Plea in. 97, 128.          Abdication. 12.          Abduction of Children or Wards. 83.          ----- Heirefs. 120.          ----- Wife. 82.          Abjuration of the Realm. 108.          Absolute personal Property. 64.          ----- Rights and Duties. 7.          Abstract of a Fine. 155.          Accessories, 107.</p>	<p>Accident, 102.          Account, Action of. 85.          Accord. 74.  <i>Ac etiam</i> Bill. 174.          ----- <i>Latitat.</i> 175.          Act of Bankruptcy. 70.          ----- Parliament. 4, 10, 60.          Action. 75, 81, 95, 157, 161, 168.          -----, personal Property in. 65.          -----, Plea to. 97.          Adherence to the King's Enemies. 110.          Adjournment of Parliament. 10.          Admeasurement of Pasture. 93.</p>
---	--

# INDEX.

- Administration. 71.  
 Administrators. 72.  
 Admiralty Courts. 77, 124.  
 Admittance to Copyholds. 62, 63.  
 Adultery. 25.  
 Advocate. 75.  
 Advowson. 32, 94.  
 - - - - - Writ of Right of. 94.  
 Affray. 115.  
 Age. 27.  
 - - prayer. 96.  
 Aggregate Corporation. 28.  
 - - - - - Fund. 18.  
 Aid given to the King. 17.  
 - - - - - Lord. 35, 37.  
 - - prayer. 96.  
 Alias Writ. 96, 170.  
 Alien. 21, 53, 54.  
 Alienation. 55.  
 - - - - - Fines. 36, 37.  
 - - - - - Forfeiture by. 53.  
 Alimony. 79.  
 Allegiance. 21.  
 Alteration of Deeds. 56.  
 Amendments. 101, 103.  
 Amercement. 160, 182, 184.  
 Ancestor. 49.  
 Annuity. 34.  
 Answer. 103.  
 Antient Demesne. 37.  
 Apostacy. 108.  
 Appeal. 15, 101, 103, 127.  
 Appearance. 96, 103.  
 Appendant. 33.  
 Apprentice. 24.  
 Approvement. 127.  
 Approvers, compelling Prisoners to  
 become. 114.  
 Appurtenant. 33.  
 Arbitration. 74, 179.  
 Archbishop. 21.  
 Archdeacon. 21.  
 - - - - - his Court. 77.  
 Archdeaconry. 6.  
 Arches Court. 77.  
 Armed, being unusually. 115.  
 Armour, &c. embezzling the King's.  
 112.  
 Arms, the Right of. 8.  
 Army. 14, 23.  
 Arraignment. 127, 188.  
 Array, Challenge to. 99.  
 Arrest. 96, 125.  
 - - - of Judgment. 100, 130, 166.  
 Arson. 121.  
 Articles of Navy. 23.  
 - - - - - War. 23.  
 Artificers. 23.  
 - - - - - residing abroad. 116.  
 - - - - - transporting them. 116.  
 Assault. 81, 120.  
 Assembly, riotous or unlawful. 115.  
 Assets. 40.  
 Assignees of a Bankrupt. 70.  
 Assignment, Deed of. 59.  
 - - - - - of Errors. 182, 183.  
 Assise, Court of. 76, 165, 186.  
 - - - of Common. 92.  
 - - - - *darrein Presentment*. 94.  
 - - - - *Mort d'Ancestor*. 88.  
 - - - - *novel Disseisin*. 88, 89, 93.  
 - - - - Nuisance. 91.  
 Assumpsit, and it's Nonperformance. 85.  
 Assurances common. 55.  
 - - - - - Covenant for farther. 151.  
 Attachment. 96, 103, 161, 168.  
 Attachments, Court of. 77.  
 Attainder. 53, 130.  
 Attaint, Writ of. 101.  
 Attempt to rob. 122.  
 Attestation of a Deed. 56, 139, 141,  
 152, 153.  
 Attorney. 75.  
 Attornment. 55.  
*Audita Querela*. 101.  
 Avoider of Judgment. 131.  
*Auterfoits acquit*, &c. 128.  
*Auter Vie*, Tenant *pur*. 41.  
 Award. 180.  
  

## B.

 Bail. 96, 126.  
 Bailbond. 176.  
 Bailiff. 24.  
 Bailment. 68.  
 Bailpiece. 177.  
 Bankruptcy. 54, 69.  
 - - - - - fraudulent. 116.  
 Bar, Plea in. 97, 128.  
 Bargain and Sale. 59, 140.  
 Baron. 22.  
 - - - Court. 76, 78.  
 Baronet. 22.  
 Barrety. 114.  
 Barrister. 75.  
 Base Fee. 39.  
 Bastard. 26, 52.  
 Battel, Wager of. 99, 128.

Bat-

# I N D E X.

Battery. 81, 120.  
*Berwick*. 5.  
 Bigamy. 117.  
 Bill in Equity. 103.  
 - - - Parliament. 10.  
 - - - of Exchange. 69.  
 - - - *Middlesex*. 96, 174.  
 Bishops. 15, 21.  
 Blasphemy. 108.  
 Blood corrupted. 131.  
 - - - inheritable. 52.  
 - - - of the first Purchaser. 51.  
 - - - whole, and half. 51.  
 Body, Injuries to. 81.  
 - - - politic. 28.  
 - - -, Security of. 7.  
 Bond. 60, 153, 176, 179.  
 Borrowing. 69.  
 Botes, Common of. 33.  
 Branding. 129.  
 Breach of Prison. 114.  
 Bribery. 115.  
 Buggery. 120.  
 Burgage Tenure. 36.  
 Burglary. 121.  
 Burning in the Hand. 129, 189.  
 Bylaws. 28.

## C.

Cancelling a Deed. 56.  
 Canons of Inheritance. 50.  
 Capacity of Guilt. 106.  
 - - - - to purchase or convey. 55.  
*Capias ad respondendum*. 96, 127, 169, 187.  
 - - - *ad satisfaciendum*. 101, 184.  
 - - - *pro Fine*. 167.  
 - - - *Utlagatum*. 173.  
 Carnal Knowledge of Infants. 120.  
 Case, Actions on. See Trespas.  
 Casual Ejector. 90, 161.  
 Cause, Challenge for. 128.  
 - - - of Demurrer. 181.  
*Cepi Corpus*. 170, 174, 175, 176, 185.  
 Certificate, Trial by. 98.  
*Cessavit*, Writ of. 92.  
 Chains, Hanging in. 119.  
 Challenge of Jury. 99, 128.  
 - - - - to fight. 116.  
 Champerty. 114.  
 Chancellor, killing him. 110.  
 Chancery, Court of. 76.  
 Chancerymedley. 106, 118.  
 Chapters. 21.

Charters of the King. 60.  
 Chattels. 63.  
 Cheating. 116.  
 Chirograph of a Fine. 156.  
 Chivalry. 35.  
 - - - -, Court of. 77, 124.  
 Christian, Courts. 77.  
 Church, Offences against. 108.  
 Churchwardens. 22.  
 Civil Corporations. 28.  
 - - Injuries. 73.  
 - - List. 18.  
 - - State. 22.  
 Clergy. 21.  
 - - -, Benefit of. 129, 189.  
 Clergymen, Beating them. 120.  
 Close, Breach of. 91.  
 Coat-Armour, Encroachments in. 79.  
 Cognizance. 78.  
*Cognizance de Droit come ceo, &c*, Fine *sur.* 61, 154.  
 - - - - - *tantum*, Fine *sur.* 61.  
 Cognizance of a Fine. 61.  
 Coin, Falsifying, &c. 111.  
 - - -, Felonies and Misdemeanors against. 112.  
 Coinage. 15, 111.  
 Collateral Consanguinity. 50.  
 - - - - Descent. 51.  
 Collative Advowsons. 32.  
 Combinations. 116.  
 Commerce. 15.  
 Commitment. 126.  
 Common Bail. 96.  
 - - - -, Estate in: 48, 65, 145.  
 - - - - Nuisance. 117.  
 - - - - Pleas, Court of. 76, 95.  
 - - - -, Right of. 33, 93.  
 - - - - Seal. 28.  
 - - - - Vouchee. 159.  
 Commonalty. 22.  
 Commons, House of. 9.  
 Commonwealth, Offences against. 114.  
 Compassing the Death of the King, &c. 110.  
 Composition real. 33.  
 Compound Larceny. 122.  
 Compounding Prosecutions. 114.  
 Compulsion. 106.  
*Concessit*, Fine *sur.* 61.  
 Conclusion of a Deed. 56, 139, 141, 152.  
 Concord of a Fine. 61, 153.  
 Condition, Estates on. 44, 54.  
 - - - - in a Deed. 56, 147, 153, 179.  
 Con-

# INDEX.

Conditional Fees. 39.  
 Confession. 97, 127.  
 Confinement in the Realm. 14.  
 Confirmation, Deeds of. 58.  
 Conjugal Rights, Subtraction of. 79.  
 Consanguinity. 49.  
 - - - - - , Table of. 137.  
 Conscience, Courts of. 78.  
 Consideration of Contracts. 68.  
 - - - - - . Deeds. 56, 139, 140,  
 142.  
 Consistory Court. 77.  
 Conspiracy. 115.  
 - - - - - , Action of. 82.  
 Constable. 20.  
 Contempt. 113.  
 - - - - - , Process of. 103.  
 Contingent Remainders. 46.  
 - - - - - - - - - - - , Trustees to  
 preserve them. 144.  
 Continuance. 97, 166, 180, 182, 183.  
 Contract. 68.  
 - - - - - , Breach of. 84.  
 - - - - - original. 13.  
 - - - - - simple and special. 69.  
 Convention of Estates. 12.  
 Conventional Estates for Life. 41.  
 Conversion. 84.  
 Conveyances. 31, 55, 57.  
 Conviction. 129, 188, 189.  
 - - - - - summary. 125.  
 Coparcenary. 48.  
 Copyhold. 37, 43, 54, 62.  
 Corody. 16, 33.  
 Coronation Oath. 13.  
 Coroner. 19.  
 Coroner's Court. 124.  
 Corporation. 28.  
 Corporation Courts. 78.  
 Corporeal Hereditaments. 32.  
 Correction, Power of. 26.  
 Corruption of Blood. 131.  
 Corused. 128.  
 Costs. 101, 167.  
 Cottages. 117.  
 Covenant. 56, 148, 150.  
 - - - - - , Action of. 84.  
 - - - - - , Nonperformance of. 84.  
 - - - - - to stand seized to Uses. 59.  
 - - - - - , Writ of. 61, 154.  
 Councils of the King. 13.  
 Counsel. 75.  
 Count. 96, 158, 159, 164, 178.  
 Counterfeiting the Kings Seal or Mo-  
 ney. 110, 111.

County. 6.  
 County-Court. 76, 78.  
 Courts. 16, 75, 124.  
 - - - , their Erection. 15.  
 Crimes. 104.  
 - - - - - , Forfeiture for. 53, 130.  
 Criminal Conversation. 82.  
 - - - - - Homicide. 118.  
 Cross Bill. 103.  
 Curates. 22.  
 Cursing. 109.  
 Curtesy. 42.  
*Custodis raptis, &c. Writ de.* 83.  
 Custom. 3, 66.  
 - - - - - , Assurances by. 62.  
 Customs on Merchandize. 17.

## D.

Damage. 84.  
 - - - - - feasant. 74, 91, 93.  
 Damages. 81.  
 Date of Deeds. 56, 139, 141, 152, 153.  
 Dean and Chapter. 21.  
 Dean, rural. 21.  
 Deanry, rural. 6.  
 Debt. 69.  
 - - - - - , Action of. 84, 85, 92, 168.  
 - - - - - , Nonpayment of. 84.  
 Debtee Executor. 74.  
 Declaration. 96, 161, 164, 179.  
 Decree. 103.  
 Deed. 55, 56.  
 Default. 159.  
 Defeasance. 59, 60.  
 Defence. 96, 158, 159, 164, 178.  
 Defendant. 75.  
 Deforcement. 87, 154.  
 Degrees of Guilt. 107.  
 - - - - - Writ of Entry. 88.  
*Dehors Matter.* 100, 131.  
 Delegates, Court of. 77.  
 Delivery of a Deed. 56, 141, 152, 153.  
 Demandant and Tenant. 158, 159.  
 Demesnes of the Crown. 16.  
 Demise of Lands. 58.  
 Demurrer. 97, 103, 128, 181.  
 Denizen. 21.  
 Deodand. 16.  
 Departure in Pleading. 97.  
 Depositions. 103.  
 Derivative Conveyances. 57.  
 Descent. 49.  
 - - - - - , Rules of. 50.

Descent,

# INDEX,

- Descent, Table of. 138.  
 Desertion. 112.  
 Detainer, forcible. 115.  
 Detaining, unlawful. 84.  
 Detinue, Action of. 84.  
 Devise. 63.  
 Dignities. 33.  
 Dilapidations. 78.  
 Dilatory Plea. 96.  
 Diocese. 6.  
 Disability Plea in. 96.  
 Disabling Statute. 58.  
*Disclaimer*, Writ of Right *sur.* 92.  
 Discontinuance of Actions. 96.  
 - - - - - Estates. 87, 88.  
 Disguise. 115.  
 Disorder. 117.  
 Disorderly Houses. 117.  
 Dispossession. 84.  
 Dissection. 119.  
 Disseisin. 86, 89, 157.  
 Dissenters, protestant. 108.  
 Dissolution of Parliament. 10.  
 Distress. 74, 91, 92, 93.  
 - - - - - infinite, 96, 127.  
 Distribution of Intestate's Goods. 72.  
*Distringas*, Writ of. 96, 99, 169.  
 Disturbance of Common. 93.  
 - - - - - Franchises. 93.  
 - - - - - Patronage. 94.  
 - - - - - Tenure. 94.  
 - - - - - Ways. 94.  
 Divine Service, Tenure by. 38.  
 Divorce. 25, 79.  
 Dominion. 30.  
 Donative Advowsons. 32.  
*Done, Grant, et Render*, Fine, *sur.* 61.  
 Double Fine. 61.  
 Double Voucher. 157.  
 Dower. 41.  
 Drunkenness. 106, 109.  
 Duchy Court of *Lancaster*. 78.  
 Dues, ecclesiastical, Nonpayment of. 78.  
 Dukes. 22.  
 Duplicity in Pleading. 97.  
 Duration of Estates. 38.  
 Duress. 106.  
 Duties. 6.  
  
**E.**  
 Earls. 22.  
 Ecclesiastical Courts. 77, 78.  
 Education of Children. 26.  
 Egyptians. 117.  
*Ejectione Firmæ*, Writ *de.* 89, 161.  
 Ejectment, Action of. 89, 161.  
 Elections, parliamentary. 10.  
 Eleemosynary Corporations. 28.  
*Elegit*, Estates by. 45.  
 - - -, Writ of. 101.  
 Elisors. 99.  
 Embassadors. 14.  
 - - - - -, Violation of. 109.  
 Embezzling the King's Armour or  
 Stores. 112.  
 Emblements. 41.  
 Embracery. 115.  
 Enabling Statute. 58.  
 Enclosure. 93.  
 End of Punishment. 105.  
*England*. 6.  
 Engrossing. 116.  
 Enquiry, Writ of. 101.  
 Entry. 74, 87.  
 - - - forcible. 87, 115.  
 - - - on Record. 158, 164, 177.  
 - - -, Writs of. 87, 157.  
 Equity. 3, 4, 102.  
 Error, Writ of. 101, 178.  
 Escape. 114.  
 Escheat. 16, 36, 37, 52.  
 Escuage. 36.  
 Esplees. 158.  
 Esquires. 23.  
 Estates. 38.  
 Estoppel. 97.  
 Estovers, 41.  
 - - -, Common of. 33.  
 Estrays. 16.  
 Estrepeinent, Writ of. 92.  
 Eveldropping. 117.  
 Evidence. 100, 128.  
*Exactus, primo, secundo, &c.* 172.  
 Exceptions. 103.  
 Exchange, Deed of. 58.  
 Exchange of Things personal. 68.  
 Exchequer, Court of. 76.  
 - - - - - Chamber, Courts of. 76.  
 Excise. 17.  
 - - - hereditary. 16.  
 Excommunication. 79.  
 Excusable Homicide. 118.  
 Execution. 101, 132, 184.  
 Executive Power. 11.  
 Executors. 72.  
 Executory Devise. 46.  
 Exemplification. 158.  
*Exigi facias*, or Exigent. 96, 171.  
 Expectancy, Estates in. 45.  
 Expenses of Prosecution. 129.  
  
*Extends*

# INDEX.

*Extendi facias.* 102.  
 Extortion. 115.  
 Extraparochial Tithes. 16.

## F.

Factor. 24.  
 False News. 115.  
 - - Verdict. 115.  
 Falsifying Attainder. 131.  
 - - -, &c, the Coin. 111.  
 Farm. 58.  
 Favour, Challenge to. 100.  
 Fealty. 34, 35, 37.  
 Fee simple. 39.  
 - - tail. 39.  
 Felony. 112.  
 - - -, Misprision of. 113.  
 Feodal Law. 34.  
 Feoffment. 57, 139.  
 Feuds. 34.  
 Fictitious Plaintiff. 114.  
*Fieri facias.* 101, 185.  
*Fieri fici.* 185.  
 Fifteenths. 17.  
*Filiis raptis, &c, Writ de.* 83.  
 Final Decree. 103.  
 - - - Judgment. 101.  
 Fines for Alienation. 36, 37.  
 - - - in Copyhold Tenure. 37.  
 - - - of Lands. 61, 154.  
 Fireworks. 117.  
 First Fruits. 16.  
 Fish royal. 16.  
 Fleets. 14.  
 Flight. 130.  
 Flotsam. 16.  
 Foot of a Fine. 61, 156.  
 Force, Injuries with, and without. 81.  
 Forcible Entry and Detainer. 87, 115.  
 Foreign Service. 112.  
 Forest. 16.  
 - - -, Courts of. 77.  
 Forestalling. 116.  
 Forfeiture. 16, 53, 67, 130.  
 Forgery. 123.  
 Forging the privy Seal, &c. 111.  
 Formedon. 88.  
 Forts. 14.  
 Founders. 29.  
 Franchises. 33, 93.  
 - - - -, Courts of. 78.  
 Frankalmoign. 38.  
 Frankmarriage. 40.  
 Fraud. 102.

Freehold. 38.  
 Free-Socage. 35, 36.  
 Full Age. 27.  
 Funds. 18.

## G.

Gage, Estates in. 44.  
 Game. 66.  
 - - -, Destroying. 117.  
 Gaming. 117.  
 Gaoldelivery. 124, 187.  
 Gavelkind. 4, 36.  
 General Fund. 18.  
 - - - - Issue. 97, 128, 159, 165, 188.  
 - - - - Occupancy. 41.  
 Gentlemen. 23.  
 Gift. 57, 68.  
 Government. 2.  
 Good Behaviour, Security for. 123.  
 Grand Assise. 99.  
 - - - Jury. 99, 126, 187.  
 - - - Larciny. 121.  
 Grant. 58, 68.  
 - - - of the King. 13, 60.  
 Gross, Common in. 33.  
 Guardian and Ward. 27.  
 Guardians, Injuries to. 83.  
 - - - -, their Sorts. 27.  
*Guernsey, &c.* 5.

## H.

*Habeas Corpora Juratorum.* 99.  
*Habeas Corpus.* 82.  
*Habendum* of a Deed. 56, 139, 141, 144.  
*Habere facias Possessionem.* 101, 167.  
 - - - - - *Seisinam.* 101, 160.  
 Habitation, Offences against. 121.  
 Hackney-Coaches, &c, Duty on. 18.  
 Half Blood. 51, 53.  
 Head of the Church. 15.  
 Health. 7.  
 - - - -, Injuries to. 82.  
 - - - -, Offences against the public.  
 117.  
 Hearing. 103.  
 Heir. 49.  
 Heiress, Stealing, &c. 120.  
 Heirlooms. 67.  
 Heirships. 31.  
 Helping to stolen Goods for Reward.  
 114.  
 Hereditaments. 31.  
 Heresy. 108.

Heriots.

# I N D E X:

Heriots. 37, 66, 74.  
 High Steward of *Great Britain*, his  
 Court. 124.  
 High Treason. 110.  
 Highways. 20.  
 - - - - -; Offences in. 117.  
 Hiring. 69.  
 Homage. 35.  
 - - - - of a Court Baron. 62.  
 Homicide. 118.  
 Honour, Injuries to. 79.  
 Honours. 15.  
 Hotchpot. 48.  
 House Duty. 18.  
 House, Larciny from. 122.  
 Hue and Cry. 125.  
 Hundred. 6.  
 - - - - Court. 76.  
 Hunger. 106.  
 Husband and Wife. 24.  
 Husband, Injuries to. 82.

## I.

Jactitation of Marriage. 79.  
 Ideots. 16, 106.  
 Idleness. 117.  
 Jeofails. 101.  
 Jetfam. 16.  
 Ignorance. 106.  
 Imagining the King's Death. 116.  
 Imparlance. 96, 159, 179.  
 Impeachment in Parliament. 124.  
 - - - - - of Waste. 144.  
 Impediments of Marriage. 25.  
 Impostures, religious. 109.  
 Imprisonment, false. 82, 120.  
 Improper Feuds. 35.  
 Incorporeal Hereditaments. 32.  
 Incorrigible Roguery. 117.  
 Incumbrances, Covenant against. 150.  
 Indenture. 56.  
 Indentures of a Fine. 156.  
 Indictment. 126, 187.  
 Induction. 22.  
 Infancy. 27, 106.  
 Infants, carnal Knowledge of. 120.  
 Information. 126.  
 Inhability. 79.  
 Inheritable Blood. 52.  
 Inheritance, Canons of. 50.  
 - - - - -; Estates of. 39.  
 Injunction. 92, 103.  
 Injuries. 73.  
*Infirmul computassent*. 85.

Inspection, Trial by. 98.  
 Institution. 22.  
 Insurance. 69.  
*Interesse Termini*. 43.  
 Interest in Estates. 38.  
 - - - - of Money. 69.  
 Interlocutory Decree. 103.  
 - - - - - Judgment. 101.  
 Interpleader, Bill of. 103.  
 Interpretation of Laws. 3.  
 Interrogatories. 103.  
 Intestates. 71.  
 Intrusion. 86.  
 Inventory. 72.  
 Investiture. 34.  
 Joinder in Demurrer. 181.  
 - - - - of Issue. 165.  
 Jointenancy. 47, 65.  
 Jointure. 42, 144.  
*Ireland*. 5.  
 Issue. 97, 103, 128.  
 - - -, feigned. 103.  
 - - -, general. 97, 128, 159, 165.  
 Judges. 13, 75.  
 - - -, killing them. 110.  
 Judicial Writs. 96.  
 Judgment. 67, 100, 130, 159, 167,  
 182, 184, 189.  
 Judgment, Arrest of. 100, 166.  
 - - - - -, Avoider of. 131.  
 Jurisdiction, Encroachment of. 80.  
 - - - - -, Plea to. 96, 127.  
 Jury, Trial by. 99, 128, 165, 188.  
 Justice, it's Administration. 8, 15.  
 - - -, Neglect or Refusal of. 80.  
 - - -, Offences against. 114.  
 Justices of the Peace. 19.  
 Justice-Seat, Court of. 77.  
 Justification. 97.  
 Justifiable Homicide. 118.

## K.

Kidnapping. 120.  
 King. 11.  
 - - -'s Bench, Court of. 76, 124.  
 - - - - Charters, Deeds, and Grants.  
 13, 60.  
 - - - - Councils. 13.  
 - - - - Courts, Contempts against. 113.  
 - - - - Dignity. 13.  
 - - - - Duties. 13.  
 - - - - Government, Contempts and  
 Offences against. 110, 113.  
 - - - - Palaces, Contempts against. 113.

## T

King's



# INDEX.

King's Perfection. 13.  
 - - - Perpetuity. 13.  
 - - - Person, Contempts against. 113.  
 - - - Prerogative. 14.  
 - - - - - - - -, Contempts against.  
   113.  
 - - - Revenue, extraordinary. 17.  
 - - - - - -, ordinary. 16.  
 - - - Royal Family. 13.  
 - - - Sovereignty. 13.  
 - - - Title. 11.  
 - - - - - - - Contempts against. 113.  
 - - - Ubiquity. 13.  
 Knights Bachelors. 23.  
 - - - Bannerets. 22.  
 - - - Fee. 35.  
 - - - of the Bath. 22.  
 - - - - - - - Garter. 22.  
 Knight-Service. 35.

## L.

Labourers. 23, 24.  
 Laity. 22.  
 Lands. 31.  
 Land-Tax. 17.  
 Lapse. 54.  
 Lapsed Legacies. 72.  
 Larciny. 121.  
 Lathes. 6.  
*Latitat.* 96, 174.  
 Law. 1.  
 - - -, common. 3.  
 - - -, divine or revealed. 1.  
 - - - - - -, Offences against. 108.  
 - - -, feudal. 34.  
 - - - merchant. 15.  
 - - -, municipal or civil. 2.  
 - - - - - -, Offences against. 110.  
 - - - of Nations. 2.  
 - - - - - -, Offences against. 109.  
 - - - Nature. 1.  
 - - -, Parts of. 2.  
 - - -, *Roman*, civil and canon. 4.  
 - - -, statute. 4.  
 - - -, unwritten. 3.  
 - - -, Wager of. 99.  
 - - -, written. 4.  
 Lay Corporations. 28.  
 Lease. 58, 140.  
 - - - and Release. 59, 140.  
 - - -, Entry, and Ouster. 89, 163.  
 Leet. 124.  
 Legacy. 72.  
 - - - -, Subtraction of. 79.

Legal Estates for Life. 41.  
 Legislature. 2, 9.  
 Legitimate Children. 26.  
 Letters Patent. 60.  
*Levari facias.* 101.  
 Levying War against the King. 110.  
 Lewdness. 109.  
 Libels. 82, 116.  
 Liberty, personal. 8.  
 - - - - - -, Crimes against. 120.  
 - - - - - -, Injuries to. 82.  
 - - - - - political or civil. 7.  
 Licence to agree. 61, 154.  
 - - - - - aliene. 55.  
 Lieutenant, Lord. 23.  
 Life. 7.  
 - -, Crimes against. 118.  
 - -, Estates for. 41, 144.  
 - -, Injuries to. 81.  
 Ligan. 16.  
 Limb. 7.  
 Limitations, Statute of. 88, 97.  
 Limited Fees. 39.  
 Lineal Consanguinity. 49.  
 - - - Descent. 50.  
 Livery of Seisin, 35, 57, 139.  
*London*, Courts of. 78.  
 - - -, Customs of. 4.  
 Lord and Vassal. 34.  
 Lords, House of. 9, 76.  
 - - - of Parliament. 9.  
 Lunatics. 16, 106.  
 Luxury. 117.

## M.

Magistrates subordinate. 19.  
 - - - - - supreme. 9.  
 Maintenance of Child and Parent. 26.  
 - - - - - Suits. 114.  
 - - - - - Wife. 79.  
*Mala in se, & prohibita.* 105.  
 Mal-administration. 113.  
 Males preferred to Females. 50, 51.  
 Malt-Tax. 17.  
*Man*, Isle of. 5.  
*Mandamus.* 80, 90.  
 Manors. 37.  
 Manslaughter. 119.  
 - - - - - -, Conviction of. 189.  
 Mariners wandering. 117.  
 Maritime Causes. 79.  
 - - - Courts. 77.  
 - - - State. 23.  
 Market, Clerk of, his Court. 124.  
 Mar-

# INDEX.

Marquesses. 22.  
 Marriage. 24, 67.  
 - - - - clandestine and irregular. 117.  
 - - - - feudal. 36.  
 - - - - forcible. 120.  
 - - - - Settlement. 140.  
 Marshalsea Court. 77.  
 Marts. 15.  
 Martial, Courts. 77.  
 - - - - Law. 23.  
 Master and Servant. 24.  
 - - -, Injuries to. 83.  
*Materna Maternis*. 52.  
 Matrimonial Causes. 79.  
 Mayhem. 81, 120.  
 Measures. 15.  
 Members of Parliament. 9.  
 Menial Servants. 24.  
 Mere Right. 49.  
 Merger. 46.  
 Mesne Process. 96.  
*Middlesex*, Bill of. 96, 174.  
 Military Causes. 79.  
 - - - - Courts. 77.  
 - - - - State. 23.  
 Militia. 23.  
 Mines. 16.  
 Mischief, malicious. 122.  
 Misdemeanor. 104.  
 Misfortune. 106.  
 Misprision. 113.  
 Mistake. 106.  
 Mixed Actions. 81.  
 - - - Larceny. 122.  
*Modus decimandi*. 33.  
 Money. 15.  
 Monopolies. 116.  
 Monsters. 52.  
 Mortgage, Estate in. 44.  
 Mortmain. 28, 53.  
 Mortuaries. 66.  
*Mortuo Vadio*, Estate in. 44.  
 Murder. 119.  
 - - - -, Conviction of. 188.  
 - - - -, Indictment of. 187.  
 Mute, standing. 127.

## N.

National Debt. 18.  
 Natives. 21.  
 Naturalization. 21.  
 Navy. 23.  
 Necessity. 106.  
 Negligence of Officers. 115.

News, false. 115.  
*Nihil*, Return of. 169.  
*Nisi-prius*. 76, 99, 165.  
 Nobility. 22.  
 Nonconformity. 108.  
*Non est inventus*. 170, 171, 174.  
 Nonfuit. 96.  
*Norman Isles*. 5.  
 Note of a Fine. 61, 155.  
 Notice in Ejectment. 162.  
 Nuncupative Wills. 72.  
 Nuisance. 91, 117.

## O.

Obedience to Parents. 26.  
 Obligation, or Bond. 60, 153, 179.  
 - - - - of Laws. 2.  
 Occupancy. 30, 41, 52, 65.  
 Oeconomy, Offences against public. 117.  
 Office. 15, 33.  
 - - -, Inquest of. 90.  
 Officers, Refusal to admit. 90.  
 - - -, Removal of. 90.  
 Oppression of Magistrates. 115.  
 Ordeal. 128.  
 Orders, holy. 22.  
 Original Contract. 13.  
 - - - - Conveyances. 57.  
 - - - - Process. 96.  
 - - - - Writ. 95, 154, 157, 161.  
 Overseers of the Poor. 20.  
 Overt Act. 110.  
 Ouster. 86, 89, 90.  
 Outlawry. 96, 127, 170, 172.  
 Owling. 116.  
*Oyer*. 96, 179.  
 - - - and *Terminer*. 124, 186.

## P.

*Pais*, Matter in. 55.  
 Palace Court. 77.  
 Palatine County. 6.  
 Panel. 99, 128.  
 Paper-Credit. 69.  
 Papists. 53, 108, 111.  
*Paraphernalia*. 67.  
 Parcels in a Conveyance. 139, 140,  
 143.  
 Parceners. 48.  
 Pardon. 15, 128, 131.  
 Parent and Child. 26.  
 - - -, Injuries to. 83.  
 Parish. 6.

Parish

# I N D E X.

- Parish Clerk. 22.  
 Parliament. 8, 9, 13, 124.  
 Parol Evidence. 100.  
 Parson. 22.  
 Particular Estate. 45.  
 Parties to a Deed. 56, 140, 142.  
 - - - - - Fine. 61.  
 Partition. 48.  
 - - - - -, Deed of. 58.  
 Pasture, Common of. 33.  
*Paterna Paternis*. 53.  
 Peace, Conservation of. 15.  
 - - -, Justices of. 19.  
 - - -, Offences against. 115.  
 - - -, Security for. 123.  
 Peculiars, Court of. 77.  
 Pecuniary ecclesiastical Causes. 78.  
 Peers, Council of. 13.  
 - - -, House of. 9, 76.  
 - - -, Trial by. 128.  
*Peine fort & dure*. 127.  
 Pensions. 16, 33.  
 People. 21.  
*Per*, Writ of Entry in. 88.  
 - - & *Cui*, Writ of Entry in. 88.  
 - - *my*, & *per tout*. 47, 48.  
 - - *quod*, &c. 83.  
 Peremptory Challenge. 128.  
 Perjury. 115.  
 Person, Injuries to. 81.  
 - - -, Larceny from. 122.  
 Personal Action. 81.  
 - - - - Chattels. 64.  
 - - - - Security. 7.  
 - - - - - - - - - Offences against. 118.  
 - - - - Things. 63.  
 Personating others in Courts, &c. 114.  
 Persons natural. 7.  
 - - - -, Rights of. 6.  
 Petit Larceny. 121.  
 - - - Treason. 119.  
 Petitioning, Right of. 8.  
 - - - -, tumultuous. 115.  
 Piepoudre, Court of, 76.  
 Piracy. 109.  
 Piscary, Common of. 33.  
 Plague, Irregularity during. 117.  
 Plaintiff. 75.  
 Plantations. 5.  
 Plea. 96, 103, 127, 159, 165, 180,  
 188.  
 Pleadings. 96.  
 Pledge; Estates in. 44.  
 Pledges of Prosecution. 154, 158, 161,  
 168, 182.  
*Pluries* Writ. 96, 171.  
 Poll, Deed. 56.  
 Polls, Challenge to. 99.  
 Polygamy. 117.  
*Pone*. 168.  
 Poor's Settlements. 20.  
 Popery. 108, 111.  
 Popish Priests. 108, 111.  
 - - - Recusants. 108.  
 Portions, Method of raising. 146.  
 Possession, Estates in. 45.  
 - - - -, mere or naked. 49.  
 - - - -, personal Property in. 64.  
 - - - -, Right of. 49.  
 Possessory Actions. 87.  
*Post*, Writ of Entry in. 88, 157.  
*Postea*. 100, 165.  
 Post-Office. 17.  
 Power of the Parent. 26.  
*Practise*. 95, 154, 157, 168.  
 - - - -, Tenant to. 149.  
*Praemunire*. 112.  
 Pre-emption. 16.  
 Pregnancy. 131.  
 Premises of a Deed. 56, 139, 140,  
 142.  
 Prerogative. 8, 14, 65.  
 - - - - - Court. 77.  
 - - - - - Felonies against. 112.  
 Prescription. 52.  
 Presentation. 22.  
 Presentative Advowson. 52.  
 Presentment of Copyhold Surrender.  
 62.  
 - - - - - of Offences. 126.  
 Prevention of Crimes. 123.  
 Price. 69.  
 Primary Conveyances. 57.  
 Primer Seisin. 35, 37.  
 Primogeniture. 50.  
 Princes of the Blood. 13.  
 Principal. 107.  
 - - - - Challenge. 100.  
 Priority of Debts. 72.  
 Private Nuisance. 91.  
 - - - Statutes. 60.  
 - - - Wrongs. 73.  
 Privately stealing from the Person. 122.  
 Privies to a Fine. 61.  
 Privileges. 15.  
 - - - - of Parliament. 10.  
 Privileged Villenage. 35, 37.  
 Privy Council. 13, 77.  
 - - - Counsellor, attempting to kill. 112.  
 - - - Verdict. 100.  
 Prize

# INDEX.

Prize Causes. 77.  
 Probate of Wills. 72.  
*Procedendo*. 80.  
 Process. 96, 127, 168.  
 - - - - - , Obstructing it's Execution. 114.  
*Proclamari feci*. 173.  
 Proclamations. 15.  
 - - - - - on Attachment. 103.  
 - - - - - Exigent. 96, 172,  
 173.  
 - - - - - Fines. 61, 156.  
 - - - - - , Writ of. 172.  
*Profert in Curia*. 179.  
 Prohibition. 80.  
 Promise, Nonperformance of. 85.  
 Promissory Notes. 69.  
 Proofs. 100.  
 Proper Feuds. 34.  
 Property. 30.  
 - - - - - , Crimes against. 121.  
 - - - - - , Injuries to personal. 83.  
 - - - - - real. 86.  
 - - - - - , private. 8.  
 Prophecies, pretended. 115.  
 Prorogation of Parliament. 10.  
 Prosecutions. 15, 126.  
 - - - - - , malicious. 82.  
 Protection of Parent and Child. 26.  
 Protests in Parliament. 10.  
 Protestant Succession. 12.  
 - - - - - , Treason against.

## III.

Protestation. 97, 181.  
 Provinces. 6.  
 Provisions, Selling unwholsome. 117.  
 Proxies in Parliament. 10.  
 Public Wrongs. 104.  
 Publication of Depositions. 103.  
*Puis darrein Continuance*, Plea. 97.  
 Punishment. 105, 123.  
 Purchase. 52.  
 Purchaser, Blood of the first. 51.  
 Pure Villenage. 35, 37.  
 Pursuit of Remedies. 95.  
 Purveyance. 16.

## Q.

Qualified Fees. 39.  
 - - - - - personal Property. 64.  
*Quantum meruit*. 85.  
 - - - - - *valebat*. 85.  
*Quare Clausum fregit*. 91.  
 - - - *ejecit infra Terminum*. 90.  
 - - - *impedit*. 94.  
 - - - *incumbat*. 94.

*Quare non admisit*. 94.  
 Quarantine, Irregularity in. 117.  
 Quarter-Sessions, Court of. 124.  
*Que Estate*. 52.  
 Queen. 11, 13, 110.  
 Quiet Enjoyment, Covenant for. 150.  
*Quo minus*. 96, 175.  
 - - - *Warranto*. 90.  
 - - - - - , Information in nature  
 of. 90.  
*Quod ei deforciat*. 88.  
 - - - *permittat*. 94.  
 - - - - - *prosterne*. 91.

## R.

Rapes, in Counties. 6.  
 - - - - - of Women. 120.  
 Rasure of a Deed. 56.  
 Reading Deeds. 56.  
 Real Actions. 81, 87, 157.  
 - - - Chattels. 63.  
 - - - , Things. 31.  
 Reasonable Part. 71.  
 Rebellion, Commission of. 103.  
 Rebutter. 97.  
 Recalling Subjects. 14.  
 Recaption of Goods. 74.  
 Receiving stolen Goods. 114.  
 Recitals in a Deed. 142.  
 Recognizance. 60, 123, 177.  
 Recompense, or Recovery, in Value.  
 62, 160.  
 Record. 4, 13, 158, 164, 178.  
 - - - - - , Assurances by. 60.  
 - - - - - , Court of. 75.  
 - - - - - , Debts of. 69.  
 - - - - - , Trial by. 98.  
 - - - - - , Vacating. 114.  
 Recovery, common. 61, 157.  
 - - - - - Roll. 158.  
 Recusants. 108.  
*Reddendum* of a Deed. 56, 139, 141.  
 Redress of Injuries. 73.  
 Reference to the Master. 103.  
 Regard, Court of. 77.  
 Regrating. 116.  
 Rehearing. 103.  
 Rejoinder. 97.  
 - - - - - in Error. 183.  
 Relative Rights. 9.  
 Release. 58, 142.  
 Relief. 35, 37.  
 Remainder. 45, 65, 144, 145.  
 Remedies. 80.  
 Remitter. 74.

Rents.

# I N D E X.

Rents. 34.  
 Replevin, Action of. 84.  
 Replication. 97, 103, 180.  
 Reports of Cases. 4.  
 - - - - - the Master. 103.  
 Representation. 50.  
 Reprieve. 131.  
 Reprisals. 14.  
 Reputation. 7.  
 - - - - -, Injuries to. 82.  
 Requests, Court of. 78.  
 Rescue. 114.  
 Respite. 165.  
 Restitution of stolen Goods. 129.  
 Restraining Statutes. 58.  
 Retainer of Debts. 74.  
*Retraxit*. 96.  
 Return, false. 90.  
 - - - - of Writs. See Writs.  
 Revenue. 16, 65.  
 Reversal of Attainder. 131.  
 - - - - - Judgment. 101, 184.  
 Reversion. 46.  
 Review, Bill of. 103.  
 - - - -, Court of. 77.  
 Reviling Church-Ordinances. 108.  
 Revivor, Bill of. 103.  
 Revocation. 59, 152.  
 Revolution. 12.  
 Right. 6.  
 - - - -, mere. 49.  
 - - - - of Advowson, Writ of. 94.  
 - - - - - Persons. 6.  
 - - - - - Possession. 49.  
 - - - - - Propriety. 49.  
 - - - - - Things. 30.  
 - - - - *sur Disclaimer*, Writ of. 92.  
 - - - - Writ of. 88.  
 Riots. 115.  
 Riotous Assemblies. 115.  
 Robbery. 122.  
 Roguery, incorrigible. 117.  
 Routs. 115.  
 Rule of Court. 163.  
 Rural Deans. 21.

## S.

Sabbath-breaking. 109.  
 Safe-Conducts. 14.  
 - - - - - Violation of. 109.  
 Sale. 68.  
 Salt Duty. 17.  
 Schoolmaster. 26.  
*Scire facias* against Bail. 101.

*Scire facias* to hear Errors. 182.  
*Scire feci* returned. 183.  
 Scolding. 117.  
*Scotland*. 5.  
 Scutage. 36.  
 Sealing Deeds. 56, 139, 141, 152, 153.  
 Secondary Conveyances. 57.  
*Secunda ad Molendinum*, &c, Writ de. 93.  
*Secunda Superoneratione*, Writ de. 93.  
 Security for Peace, &c. 123.  
 - - - -, personal. 7.  
 - - - - - Injuries to. 81.  
 Seisin. 50.  
 - - - -, Livery of. 35, 38, 57, 139.  
 - - - -, Writ of. 160.  
 Seising of Heriots, &c. 74.  
 Self-defence. 74, 118.  
 Self-murder. 119.  
 Sequestration. 103.  
 Serjeant at Arms. 103.  
 - - - - - Law. 75.  
 Serjeanty grand. 36.  
 - - - - - petit. 36.  
 Servants. 24.  
 - - - -, Battery of. 83.  
 - - - -, Retainer of. 83.  
 Services. 34, 35, 37.  
 Session of Gaoldelivery. 187.  
 - - - - - *Oyer and Terminer*. 186.  
 - - - - - the Peace. 124, 187.  
 Set-off. 97.  
 Severalty, Estates in. 47.  
 Sewers, Commission of. 77.  
 Sextons. 22.  
 Sheriff. 19.  
 - - - -, his Tourn. 124.  
 Shooting at another. 120.  
*Si fecerit te securum*. 95, 161.  
 Signing Deeds. 56, 141, 152, 153.  
 Simony. 54.  
 Simple Contract. 69.  
 - - - - Larciny. 121.  
 Single Voucher. 157.  
 Sinking Fund. 18.  
 Slander. 82.  
 Slavery. 24.  
 Smuggling. 116.  
 Socage. 35, 36, 37.  
 Society. 2.  
 Soldiers wandering. 117.  
 Sole Corporations. 28.  
*South Sea Fund*. 18.  
 Special Bail. 96, 176.  
 - - - - Jury. 97.  
 - - - - Occupancy. 41.

Special

# I N D E X.

Special Plea. 97, 128, 180.  
 - - - - Verdict. 100, 128.  
 Specialty, Contract on. 69.  
 Specific Legacies. 72.  
 Spiritual Corporations. 28.  
 Spoliation. 78.  
 Stabbing. 119.  
 Stamp Duty. 18.  
 Stamping Deeds. 56, 141, 152, 153.  
 Stannary Courts. 78.  
 States. 2.  
 Statute. 4.  
 - - - - merchant, Estate by. 45.  
 - - - - staple, Estate by. 45.  
 Steward. 24.  
 - - - - -, Lord, his Court. 124.  
 - - - - -, Lord high, his Court. 124.  
 Stocks, male and female. 51.  
 Stolen Goods, receiving, &c. 114.  
 Strangers to a Fine. 61.  
 Subjection, civil. 106.  
 Subornation of Perjury. 115.  
 Supplemental Bill. 103.  
 Supplies. 17.  
*Sub-poena*. 103.  
 Subsidies. 17.  
 Subtraction of conjugal Rights. 79.  
 - - - - - Legacies. 79.  
 - - - - - Rents and Services. 92.  
 - - - - - Tithes. 78.  
 Succession. 66.  
 Sufferance, Estate at. 43.  
 Suit, or Action. 75, 81, 158, 161, 168.  
 - - - of Court. 35, 37.  
 - - -, Producing or Bringing. 158, 159,  
 162, 164, 179.  
 Summary Convictions. 125.  
 Summoners. 154, 158, 168.  
 Summons. 96, 154, 157, 168.  
 Supreme Power. 2.  
 Surcharging the Common. 93.  
 Surrebutter. 97.  
 Surrejoinder. 97.  
 Surrender of Copyholds. 62.  
 - - - - - Free Lands. 58.  
 Surveyors of Highways. 20.  
 Survivorship. 47, 146.  
 Swearing, profane. 109.  
 Sweinmote, Court of. 77.  
 Synods. 15.

## T.

Tail, Estate in. 39, 40, 145.  
 - - - after Possibility, &c. 41.

Taking, unlawful. 84.  
*Tales de circumstantibus*. 100, 128, 166.  
 Taxes. 10, 17.  
 Temporalities of Bishops. 16.  
 Tender. 97.  
 Tenements. 31.  
*Tenendum* of a Deed. 56, 139.  
 Tenures, antient. 34.  
 - - - -, modern. 36.  
 Tenths of Benefices. 16.  
 - - - - - Moveables. 17.  
 Term of Years. 43, 140, 145.  
 Term-time. 95.  
 Testament. 71.  
 Testamentary Causes. 79.  
*Testatum Capias*. 96, 170.  
*Tesse* of a Writ, Record, &c. 160.  
 Theftbote. 114.  
 Things personal. 63.  
 - - - - real. 31.  
 - - - -, Right of. 31.  
 Threatening Letters. 115.  
 Threats. 81.  
 - - - - of Accusation, to extort Mo-  
 ney, &c. 115.  
 Tithes. 16, 32.  
 - - -, Subtraction of. 78.  
 Tithings. 6.  
 Title to the Crown. 11.  
 - - - - Things personal. 65.  
 - - - - - real. 49.  
 Toleration. 108.  
 Tonnage and Poundage. 17.  
 Tourn of the Sheriff. 124.  
 Towns. 6.  
 Trade, Offences against. 116.  
 - - -, offensive. 117.  
 - - -, unlawful Exercise of. 116.  
 Tradesmen. 23.  
 Transportation, Return from. 114.  
 Treason, high. 110.  
 - - - -, Misprision of. 113.  
 - - - -, petit. 119.  
 Treasurer, Lord, killing him. 110.  
 Treasure-trove. 16.  
 - - - - -, Concealment of. 113.  
 Treaties. 14.  
 Trespass. 91.  
 - - - - on the Case, Action of. 82,  
 83, 84, 85, 90, 91, 92,  
 93, 94.  
 - - - - *vi & armis*, Action of. 81,  
 82, 83, 84, 91, 93.  
 Trial. 98, 103, 128.  
 - - -, new. 101.

Trial

# I N D E X.

Trial new, Motion for. 166.  
 Trithings. 6.  
 Trover. 84.  
 Trust. 59, 102, 144, 145.  
 Tumultuous Petitioning. 115.  
 Turbary, Common of. 33.  
 Turnpikes destroying. 115.  
 Tutor. 26.  
  
**V.**  
 Vacancy of the Throne. 12.  
 Vacating Records. 114.  
*Vadio*, Estate in. 44.  
 Vagrancy. 117.  
 Vafal. 34.  
*Venire facias*. 99, 127; 165, 188.  
 Verdict of a Jury. 100; 128, 166;  
     188, 189:  
 - - -, false. 115.  
 Vested Legacy. 72.  
 - - - Remainder. 46.  
 Vicar. 22.  
 Vicinage, Common because of. 33.  
 View. 96.  
 Vill. 6.  
 Villein Socage. 35, 37.  
 Villenage. 35, 37.  
 Villenous Judgment. 115.  
 Violating the Queen; &c. 110.  
 Viscount. 22.  
 Visitors. 29.  
 Visne. 96.  
*Vivus Vadio*, Estate in. 44.  
 University Courts. 78, 124.  
 Voucher. 61, 96, 159.  
 Uses. 59.  
 - - -, Covenant to stand seised to them.  
     59.  
 - - -, Deeds to lead or declare them.  
     62, 148, 149, 150.  
 Usurpation of Franchises and Offices.  
     90.  
 - - - - - Patronage. 94.  
 Usury. 69, 116.  
*Utlagatus* returned. 172.  
*Uxore rapta & abducta*, Writ de. 82;

**W.**  
 Wager of Battel. 99, 128:  
 - - - - - Law. 99.  
 Waifs. 16.  
*Wales*. 5.  
 - - -, Courts of. 77.  
 Want. 106.  
 Wapentake. 6.  
 War and Peace. 14.  
 Wardship. 36, 37.  
 Warrant. 125.  
 Warranty. 56, 139, 159.  
 Waste. 54, 91:  
 - - -, Action of. 92.  
 - - -, Impeachment of. 144:  
 Watch and Ward. 20.  
 Ways. 33, 94.  
 Weights. 15.  
 Whole Blood. 51.  
 Wife. 24.  
 - - -, Battery of. 82.  
 Will or Testament. 31, 63, 71.  
 - - -, Estate at. 43.  
 - - -, vitious. 106.  
 Window-Tax. 18.  
 Wine Licences. 16.  
 Witchcraft. 109.  
 Witnesses, Trial by. 98.  
 Women-Children, Stealing, &c. 120.  
 Words, slanderous. 82.  
 Wounding. 120.  
 Wrecks. 16.  
 Writ, and it's Return. 95, 96, 154;  
     157, 158, 160, 161, 164, 167, 168;  
     169, 170, 171, 172, 173, 174, 175;  
     176, 177, 178, 182, 183, 184, 185;  
     187.  
 Writing of a Deed. 56.  
 Wrongs. 6, 73.  
 - - -, private. 73.  
 - - -, public. 104.

## Y.

Yearbooks. 4.  
 Year, Day, and Waste. 130.  
 Years, Estate for. 43, 140, 145.  
 Yeomen. 23.

## T H E E N D.