

# INDEX.

*The figures in parentheses refer to the questions.*

- ABATEMENT, 218, (3, 4).  
 plea in, 242, (24).  
 of nuisance, 169, (17).
- Abduction, 204, (62, 64); 205, (65).  
 or kidnapping, 323, (7).
- Absolute power of the crown, 28, (18, 2).
- Absolute rights and duties, 17, (6, 7, 8).
- Acceptance of bills, 152, (58, 59).
- Accessaries, 285, (6, 8); 286, (10, 12, 13);  
 287, (18, 19).  
 before the fact, 286, (11).  
 after the fact, 286, (14).
- Account, action of, 215, (50, 51, 52).
- Act of grace, or pardon, 364, (6).
- Act of Parliament, 14, (19).  
 private, 126, (2, 3); 127, (4).
- Action at law, 195, (4, 5, 6); 196, (7, 8).  
 mixed, 196, (8).  
 personal, 195, (6).  
 real, 196, (7).
- Action on the case, 199, (29, 30).
- Action, chose in, 135, (11).
- Admiralty, court of, 189, (5, 6, 7).  
 its jurisdiction and power, 192, (10, 14); 193, (15, 16).  
 law in, (13-16).  
 trial of offenses in, 337, (7).
- Admittance to copyhold, 129, (7-12);  
 130, (13, 14).
- Adultery, 38, (16); 318, (56).  
 action of trespass, or on the case,  
 may be brought for, 204, (64); 205,  
 (65-69).
- Advowson, 55, (3); 369, (12).
- Affectum, challenge propter, 354, (7).
- Aggregate corporation, 45, (3, 4).
- Agreement. See "*Contract*."
- Agriculture, its origin, 52, (13).
- Aids, feudal, 64, (14).
- Alien, disabled to hold lands, 114, (11).  
 33, (15); 34, (16).
- Aliens, 31, (1-3).
- Allegiance, 31, (4); 32, (5-8); 33, (9-12).  
 oath of, 32, (5).  
 to whom due, 33, (12).  
 origin of oath of, 60, (10).
- Affodum, derivation and nature of,
- Ancient demesne, 69, (17).
- Ancient writings, prove themselves, 254,  
 (29).
- Apparent heir, 97, (10).
- Appeal, 182, (16); 184, (27); 187, (36-38).  
 of felony, 349, (19, 20).  
 prosecution by, 348, (18).  
 to Parliament, 273, (42, 43).
- Archbishops, court of, 13, (16).
- Arches, court of, 189, (2).
- Arrest, of judgment, 259, (7, 8); 359,  
 (3, 4); 360, (5).  
 how made, 237, (17).  
 what persons are privileged from,  
 237, (18).  
 of persons in criminal cases, 341,  
 (2, 3); 342, (4).  
 by warrant, and by whom, and for  
 what granted, 342, (4-9).  
 form of warrant, 343, (10).  
 backing warrant, 343, (13).  
 by officers, without warrant, 344,  
 (14).  
 by private persons, 344, (15, 16).  
 by hue and cry, 344, (18).  
 in trespass, 235, (8).
- Arson, in general, 324, (1-4); 325,  
 (5-13).  
 what a house, to constitute this of-  
 fense, 325, (6, 7).  
 where house must be burned, 325,  
 (7).  
 what a burning, 325, (9).  
 punishment, 325, (12).
- Asportation, what is, 329, (10).
- Assault, what is, and how redressed,  
 197, (15, 16); 323, (7, 8, 9).  
 in courts of justice, 299, (10).  
 in rescues, 301, (7).
- Assize, for rent, 58, (22).  
 commission of, 188, (41, 42).  
 grand, 368, (9).  
 justices of, 187, (40); 188, (41).  
 of nuisance, 226, (12).  
 courts of, 187, (40).
- Assumpsit, implied, 213, (44); 214, (48);  
 215, (49).



- Assumpsit, consideration to support, 146, (16, 17, 18); 147, (19).  
 Attachment in pone, 235, (6).  
 Attainder, forfeiture of real property by, in treason, 360, (10).  
 in felony, 361, (12).  
 forfeiture of personal property, 361, (11).  
 difference between forfeiture of lands and goods, 361, (13).  
 escheat on, 104, (15).  
 Attaint, writ of, 260, (1); 261, (2).  
 Attorney, 177, (17-24).  
 summary proceedings against, 338, (6).  
 Audita querela, when it lies, 261, (6).  
 Aula regia, 181, (9).  
 Authorities in law, 12, (7, 8).  
 Averment, 245, (48).  
 in indictments, 353, (341).  
 BACKING WARRANTS, 343, (13).  
 Bail, above, 238, (22, 23).  
 common, 237, (20).  
 when and how put in, 238, (23).  
 special, when required, 238, (25).  
 in criminal cases, 345, (2-6); 346, (7, 8).  
 taking excessive, 345, (5).  
 what offenses bailable, 345, (5).  
 Bailable or not, who, 345, (3-6); 346, (7, 8).  
 Bailment, 148, (30, 31, 32).  
 Bankruptcy, 153, (1, 4); 154, (5, 6, 7); 155, (8-12).  
 confined to traders, 153, (3).  
 act of bankruptcy, 153, (4).  
 Bar, plea in, 243, (36, 38); 352, (6, 7); 364, (6).  
 Bargain and sale of lands, 125, (69).  
 Barratry, 300, (2).  
 Barrister, 177, (21).  
 no action lies to recover back his fee, 177, (22, 23).  
 Base fee, 71, (12).  
 service and tenure, 63, (7).  
 Bastard, 40, (13, 14); 41, (15, 16, 17).  
 incapacities of, 41, (15, 16).  
 eigne, 103, (10).  
 administration to, 161, (32).  
 Battel, trial by, 249, (7, 8).  
 Battery, 323, (7).  
 Benefit of Clergy, 356, (1, 2, 3); 357, (4-7); 358, (8-12).  
 Bigamy, 307, (4).  
 Bill of Rights, 18, (15, 16); 372, (21).  
 Bill of indictment, 347, (5).  
 Bill of exceptions, 255, (37).  
 Bill of Middlesex, 237, (16).  
 Bill in equity, 268, (12, 13).  
 Bill of exchange and promissory note, 151, (51-54); 152, (55-62).  
 foreign and inland, 151, (53).  
 acceptance, protest, presentment for payment, days of grace, 152, (59-62); 153, (63).  
 Blood, corruption of, 104, (16-20).  
 half, 99, (27); 100, (28, 29).  
 Body corporate, 44, (1, 2); 45, (3-10); 46, (11, 12); 47, (13, 14).  
 politic, 47, (15-18).  
 Bonds in general, 125, (72).  
 the whole penalty not always recoverable, 125, (73).  
 Books, copyright in, 137, (5, 6, 7).  
 Borough English, 67, (9).  
 Botes or estovers, 56, (10).  
 Bottomry, 149, (37); 150, (41).  
 Bourdeaux, mayor of, his certificate, 248, (5).  
 Burgage tenure, 67, (8).  
 Burglary, what, 326, (14-20); 327, (21-26); 328, (27-31).  
 Burial, of felo de se, 316, (47, 48).  
 CALLING the plaintiff, 257, (46).  
 Canon law, 13, (14, 15).  
 degrees of consanguinity, 96, (6, 7).  
 Capias ad respondendum, 235, (8); 349, (3).  
 testatum, 236, (13).  
 Capias ad satisfaciendum, 263, (6); 264, (7-10).  
 against whom it may be sued out, 264, (10).  
 if non est inventus returned, plaintiff may sue out process against the bail, 265, (14).  
 Capias in withernam, 207, (8, 9).  
 Capias pro fine, 260, (16).  
 Capias utlagatum, 237, (15).  
 Capita, distribution per, 165, (54-55).  
 succession per, 98, (19).  
 Capital punishment, 278, (16); 332, (27); 360, (7).  
 Capite, tenure in, 62, (4).  
 Carriers, special and general, 148, (30-33).  
 larceny by, 329, (7).  
 Case and trespass, 223, (1-5); 224, (6-9).  
 Casual ejector, 220, (8).  
 Cause, challenge for, 354, (7).  
 Cestuy que trust, 123, (62).  
 Cestuy que use, 123, (62).  
 Cestuy que vie, 74, (7).  
 Challenge of jury, 252, (14, 15); 354, (7, 8); 355, (9, 10).  
 to fight, 305, (2).  
 Champerty, 302, (13).

- Champions in trial by battel, 249, (7, 8).  
 Chancellor, lord high, his authority, 185, (29).  
 of university, his court, 190, (3).  
 Chance-medley, 312, (27).  
 Chancery, court of, 185, (28). See "*Equity*."  
 original writs issue out of, 185, (31).  
 of legal court of, 185, (31).  
 appeal from equity court to House of Peers, 187, (36).  
 guardianship of infants, 267, (2).  
 custody of idiots and lunatics, 267, (2).  
 jurisdiction over charities, 267, (2).  
 Charge to grand jury, 347, (7).  
 Charitable uses, 109, (9, 10).  
 void gifts to, 131, (4, 5).  
 Charities, jurisdiction of Chancery, 267, (2-5).  
 Charter of incorporation, 45, (8, 9).  
 Charters of our liberties, 18, (15, 16).  
 Chattels, real and personal, 133, (4-7).  
 Chastity, homicide in defense of, 310, (15); 311, (16).  
 Child in ventre sa mere, 18, (19).  
 Chivalry, tenure in, 64, (13).  
 court of, 189, (4); 336, (4).  
 Chose in action, 135, (11); 146, (12).  
 bills and notes are assignable, 152, (56).  
 how assigned, 152, (57).  
 Christianity, offenses against, 238, (1), *et seq.*  
 Church, head of, 29, (21).  
 Circumstantial evidence, 254, (34); 255, (35).  
 Civil death, 19, (21); 73, (6); 104, (18, 19, 20).  
 Civil injuries, 166, (4).  
 Civil law, 13, (14, 15); 368, (8).  
 Civil liberty, 18, (14).  
 Clarendon, Constitutions of, 368, (9).  
 Clausum fregit, 223, (3).  
 Clergy, benefit of, 356, (1), *et seq.*  
 abolition of benefit of clergy, 356, *n.*  
 Code of Justinian, 13, (15).  
 Codicil, 159, (21).  
 Collateral consanguinity, 96, (5-8).  
 Commitment of persons accused, 345, (2).  
 Common, estate in, 93, (25-31); 136, (15, 16). See "*Estate*."  
 Common, right of, 56, (7).  
 of piscary, 56, (8).  
 of turbary, 56, (9).  
 of estovers, 56, (10).  
 disturbance of, 230, (1).  
 Common barrator, 300, (2).  
 Common jury, how returned, 251, (11).  
 Common law, 11, (1-6); 12, (7, 8, 9).  
 distinguished into three kinds, 11, (6).  
 Common Pleas, Court of, its origin, 181, (9).  
 fixed at Westminster, 181, (10, 11).  
 writ of error from, 182, (16).  
 Commons, House of, 23, (7).  
 Compassing the death of the king, &c., 293, (5, 6, 7).  
 Compound Larceny, 332, (28). See "*Larceny*."  
 Compounding felony, 301, (8).  
 Compurgators, 358, (10, 11).  
 Condition, 71, (13); 116, (10).  
 distinguished from a remainder and a conditional limitation, 81, (8).  
 estate upon, 80, (1), *et seq.*  
 implied or express condition, 80, (2).  
 precedent or subsequent, 81, (7).  
 in deed and in law, 81, (8).  
 effect of breach of, 110, (17).  
 Conditional fee, 71, (11, 13). See "*Estate*."  
 "Conquest," the word, 58, (5); 101, (3).  
 Conquest, Norman, 366, (1); 367, (5).  
 introduction of feudal tenures on, 59, (4).  
 Consanguinity, 37, (6); 96, (5).  
 degrees of, 96, (8).  
 collateral, 96, (7).  
 Consequential damages, 209, (23).  
 Consideration for a contract, 145, (9); 146, (16, 17, 18); 147, (19).  
 in a deed, 115, (5).  
 Constitution, British, 7, (35); 18, (15).  
 Construction of deeds and wills, 131, (9).  
 of statutes, rules for, 14, (22).  
 Constructive treason, 292, (1).  
 Contempt against the King, 299, (8).  
 in courts of law, 338, (4), *et seq.*  
 Contingent remainders, 86, (16), *et seq.*  
 See "*Remainder*."  
 Continuances, 247, (8).  
 Contract of marriage, 37, (2, 3).  
 Contract, original, between king and people, 25, (2).  
 Contracts, 145, (8), *et seq.*  
 parol evidence to explain, vary, or contradict writings, 131, (9).  
 express or implied, 146, (13, 14).  
 executed or executory, 146, (15).  
 simple or special, 151, (50, 51).  
 consideration to support, 115, (5).  
 nudum pactum, 147, (20, 21).  
 four kinds of, 147, (24).  
 actions on, 195, (5); 196, (7-11).  
 Conveyances, origin and history of, 52, (16).  
 who may convey, and to whom, 113, (2).  
 kinds of, 114, (13); 119, (33), *et seq.*  
 writing essential to, 115, (5).  
 lease and release, 125, (70).



- Conveyances, at the common law, or under the statute of uses, 119, (33); 124, (68); 125, (69, 70).  
by matter of record, 126, (1), *et seq.*  
of freehold, 120, (39).
- Coparceners, 91, (16), *et seq.* See "*Estate.*"
- Copyhold, 68, (12, 14, 15); 79, (16-19).  
customary freehold, 79, (18).  
modes of alienation, 128, (2), *et seq.*  
entails of, how barred, 71, (15).  
courtesy of, 74, (10).
- Copyright, 137, (5, 6, 7).  
prerogative copyright of crown in acts of Parliament, Bibles, &c., 138, (4).
- Coronation oath, ancient, 25, (2).
- Coroner, 344, (14).  
when venire facias issues to, 251, (6).
- Corporations, 44, (1), *et seq.*  
aggregate, 45, (4).  
ecclesiastical, 45, (6).  
eleemosynary, 45, (7).  
how created, 45, (8, 9).  
incidents and powers of, 46, (11, 12); 47, (13).  
lay, 45, (6).  
origin of, 44, (2).  
sole, 45, (5).  
process distringas against, 269, (16).  
property passes by succession, 141, (1), *et seq.*  
no escheat or extinction of, 105, (21).
- Corporeal hereditaments, 54, (8), *et seq.*
- Corpus juris civilis, 13, (14-17).
- Corruption of blood, 104, (16-20).
- Councils of the king, 25, (1, 2).
- Count, in indictment, 348, (14, 15).
- Countefeiting the king's coin, 294, (14).
- Counterpart of deed, 115, (3).
- County court, 180, (7).
- Court baron, 179, (5).  
writ of false judgment lies to court at Westminster, 179, (5).
- Courtesy, 74, (10-13).
- Courts, their nature and incidents, 175, (6), *et seq.*; 336, (1).  
derived from the power of the crown, 175, (7).  
some are of record, others not, 175, (9); 176, (14, 15).  
their constituent parts, 176, (16).  
are of four sorts, common law and equity, ecclesiastical, military, and maritime, 178, (2).  
power to erect, 175, (7).  
practice of, tried by certificate of officer, 248, (5).  
of equity, 10, (50, 51, 52).  
of Exchequer, equitable jurisdiction of, 266, (1), *et seq.*
- Courts, Exchequer, jurisdiction of, in respect of royal matters, 267, (5).  
of Parliament, 336, (3).  
of lord high Steward, 336, (4).  
of King's Bench, 182, (17); 183, (18, 22); 336, (4).  
of Chivalry, 336, (4).  
of Admiralty, 336, (4).  
of Oyer and Terminer, 336, (4); 337, (8).  
of general Quarter Sessions, 336, (4).  
sheriff's tourn, 336, (4).  
court-leet, or view of frank-pledge, 336, (4).
- Covenant, what it is, 211, (35).  
who may take advantage of, 212, (38).  
implied, 146, (13, 14).  
real, 211, (35).  
to stand seized, 124, (68).  
writ of, 211, (33, 34).
- Crimes, division of, 277, (7).
- Crown, descent of the, 24, (2-5); 367, (4).  
power of, 30, (6).  
all lands are held of, 51, (6).  
prerogative copyright, 138, (4).
- Customary freeholds, 79, (18).
- Customs, general, (11), *et seq.*  
how proved, 12, (10).
- Customs, particular, 11, (2-6).  
how allowed, 12, (7).
- DAMAGE to things personal, 208, (17).
- Damge feasant, 169, (20); 171, (31).
- Damages, title to, by judgment, 144, (14).
- Date of deed, 117, (18); 118, (19).
- Death, civil, 19, (21); 73, (6).  
execution of sentence of, 365, (1), *et seq.*
- Debet et detinet, action in, 211, (32).
- Debt, its legal acceptation, 210, (25).
- Debts, 150, (44), *et seq.*  
of record, 150, (46).  
by speciality, 151, (49).  
by simple contract, 151, (50, 51).
- Deceit, action of, 216, (59).
- Decisions of the courts, 12, (7).
- Declaration, 239, (2, 3).
- Declaratory part of a law, 7, (39).  
statutes, 14, (21).
- Dedimus potestatem, 270, (21).
- Deed, conveyance by, 115, (1).  
what is, 115, (1).  
several species of deeds, 119, (32, 33); 120, (34).  
indenture, or deed poll, 115, (4).  
original and counterpart, 115, (3).  
construction of, 131, (9).  
formal parts of, 116, (6).  
habendum, 116, (8).  
tenendum, 116, (8).

- Deed, reddendum, 116, (9).  
warranty, 116, (11).  
covenants for title, &c., 117, (17).  
conclusion, date, &c., 117, (18).  
must be read on request, 118, (20, 21).  
signing and sealing, 118, (22).  
delivery, 118, (23, 24, 25).  
escrow, 118, (26).  
attestation, 118, (27); 119, (28).  
erasure or alteration of, 119, (31).  
breaking the seal, cancellation, 119, (31).
- Defectum, challenge propter, 252, (19); 352, (7).
- De homine replegiando, writ of, 202, (48).
- Delegates, court of, 189, (2).
- De medietate linguæ, jury, 252, (16).
- Demise of the crown, 28, (16).
- Demurrer, 246, (1), *et seq.*  
joinder in, 246, (4).  
how decided, 246, (4).  
to indictment, 352, (3).
- Denizen, 33, (15); 103, (12).
- De odio et atia, writ of, 202, (48).
- Descent of the crown hereditary, but subject to limitation by Parliament, 24, (2).  
of lands, 367, (7).  
title by, 95, (1), *et seq.*  
feudal, origin of, 61, (14).  
different kinds of, 95, (1).  
in borough English, and gavelkind, 67, (9, 10).  
no lineal ascent, 97, (12).  
males preferred to females, 97, (13).  
primogeniture, 98, (14).  
consanguinity and degrees, 96, (5-8); 99, (22), *et seq.*  
heirs apparent and presumptive, 97, (10).  
canons of descent, 97, (9), *et seq.*  
collateral heir, 98, (20), *et seq.*  
half-blood, 99, (27); 100, (28, 29).  
preference of male stocks, 100, (30, 31); 101, (32).  
lineal ascent, 97, (12).  
through an alien, 103, (13, 14).  
corruption of blood, 104, (16-20).  
escheat, 102, (6, 7, 8).
- Detinet, action of debet and, 211, (32).
- Detinue, action of, when it may be brought, 208, (15-18); 209, (19).  
judgment in, 208, (17).  
execution, 263, (5).
- Dignity, of the royal, 27, (6).
- Dilatory pleas, 231, (21); 242, (23, 24).
- Direct prerogatives, 26, (3).
- Directory part of a law, 7, (39).
- Disabilities, to purchase and convey, 113, (5).
- Disseizin, 94, (5); 218, (3); 219, (6-10).
- Dissenters, Protestant, 289, (9).
- Dissuading witnesses, offense of, 299, (11).
- Distress, remedy by, 169, (19), *et seq.*  
for what it may be made, 169, (20).  
what may be distrained, 169, (21); 170, (24).  
exemptions by, 169, (22).  
when goods or cattle of a stranger may be distrained, 170, (24).  
fixtures cannot be taken, 169, (22).  
of emblements, 74, (8).  
formerly looked upon as a mere pledge, 170, (26).  
must be made by day, 171, (27).  
unless in case of damage feasant, 171, (27).  
infinite, 235, (7).
- Distringas, 235, (7).
- Disturbance, 230, (1).  
of common, 230, (1).  
of franchises, 230, (1).  
of tenure, 231, (2).
- Diversity of person, plea of, 364, (6).
- Dower, estate in, its origin, nature, and incidents, 74, (14), *et seq.*  
how prevented, 75, (21).  
jointure in lieu of, 76, (22-27).
- Dueling, 305, (2); 321, (75).
- Dukes, 34, (3).
- Duress of imprisonment, 19, (26).  
per minas, 19, (20).
- Duties of persons, 17, (8).  
of the king, 25, (1).
- Dwelling-house, what is, 325, (6).
- EARL, 34, (3).
- Earl-marshal, his court, 189, (4).
- Easement, right of way, by grant, by prescription, by necessity, 56, (11, 12, 13).  
abandonment of, 52, (15).
- Ecclesiastical courts, separation of, from the civil, 189, (1).  
what injuries are cognizable by, 191, (4).
- Edgar, king, his laws, 366, (3).
- Edward the Confessor, his laws, 366, (3).
- Egyptians, 275, (4).
- Ejectione firmæ, writ of, 220, (6-8).
- Ejectment, where it lies, 220, (5).  
introduction of judgment to recover the term, and writ of possession, 221, (11).  
how applied to the use of trying the title to land, 230, (8).  
invention of new method of trying titles by, 221, (13).  
tenant may confess lease, entry, and ouster, 221, (14), *et seq.*



- Ejection, if lease, entry, and ouster, not confessed at the trial, plaintiff must be non-suited, 222, (15).  
effect of judgment in, 222, (18).  
remedy where rent is in arrear, 222, (18).
- Elective monarchy, 367, (4).
- Eleemosynary corporations, 45, (7).
- Elegit, 83, (19).  
writ of, 266, (21); 369, (12).
- Embassadors, how appointed, 29, (20).
- Emblems, right to, 136, (3); 74, (8).
- Embracery, 303, (23).
- Enemies, 29, (20).  
adhering to, &c., offense of, 294, (11, 12).
- Enemy, prize of goods of, 136, (2).
- Enfranchisement of villeins, 68, (13, 14).  
of copyhold, 79, (19).
- Engravings, copyright in, 137, (7).
- Enlarging statutes, 14, (22).
- Entails, 71, (15), *et seq.* See "*Estate.*"  
of personality, 136, (14).
- Entry, 120, (37); 168, (15).  
forcible, 305, (3).  
in burglary, 327, (24).
- Equity, 267, (6), *et seq.*  
courts of, 10, (50); 15, (23).  
jurisdiction of exchequer, 185, (31); 267, (5).  
how different from law, 267, (7).  
origin of its jurisdiction, 267, (8).  
general nature of, 267, (6).  
jurisdiction in bankruptcy, 267, (4).  
jurisdiction over charities, 267, (2).  
jurisdiction over infants, lunatics, &c., 267, (2, 3).  
enforcing discovery, 268, (9, 10).  
mode of proof in, 268, (9).  
mode of trial, 268, (11).  
jurisdiction to perpetuate testimony, 271, (29).  
proceedings in, 268, (12), *et seq.*
- Equity of redemption, 83, (16).  
of statute, 9, (48).
- Error, writ of, 262, (8-14).  
where prosecuted, 362, (3).
- Escape, 238, (21).  
upon mesne process, action on the case for, 215, (53).  
sheriff liable for, 238, (21); 264, (13); 301, (4).  
voluntary, prisoner cannot be taken after, 264, (11).  
assisting in, 301, (6).
- Escheat, 65, (21); 367, (4).
- Escrow, 118, (26).
- Escuage, 65, (24, 25); 368, (9).
- Esquire, 34, (6).
- Estate in personality, 136, (14, 15).  
tail in personality, 136, (14).  
in reversion, 88, (26, 27, 28).  
in remainder, 85, (4, 5, 6).  
freehold to commence in future, 78, (7); 85, (8).  
alienation of, 112, (1), *et seq.*  
in severalty, 89, (2).  
in joint tenancy, 89, (3).  
in coparcenary, 91, (16).  
partition by coparceners, 92, (21).  
in common, 93, (25-31).  
partition by tenants in common, 93, (30).  
forfeiture of, 110, (12-14).  
in fee simple, 70, (7, 8, 9).  
base fee, 71, (11, 12).  
incidents to estate tail, 72, (16-22).  
destruction of entail, 128, (11-14).  
forfeiture of entail, 72, (21).  
emblems, &c., 74, (8).  
curtesy, 74, (10).  
in dower, 74, (14), *et seq.*  
pour autre vie, occupancy of, 105, (2).  
less than freehold, 77, (1), *et seq.*  
for years, 77, (1, 2, 6); 78, (8, 10).  
forcible ejection, 80, (22).  
merger, 88, (29).  
at will, 78, (11, 12, 13); 79, (14, 15, 16).  
at will, cannot support a remainder, 86, (10), *et seq.*
- Estoppel, 243, (38).  
by fine, 127, (7), *et seq.*  
by recovery, 128, (11-14).
- Estovers, common of, 56, (10).
- Estoveris habendis, writ de, 38, (15).
- Estrepement, writs of, 228, (8, 9).
- Evidence, written, 254, (29).  
must be the best the nature of the case will admit of, 254, (30).  
demurrer, 255, (38, 39).  
in equity, 267, (7, 8).  
examination of witnesses in equity, 268, (11).  
preservation of, 271, (29).  
must be relevant to the issue, 253, (26).  
in criminal cases, 355, (13).
- Exceptions, bill of, 255, (39).
- Exchequer Chamber, Court of, 187, (37).
- Exchequer, Court of, set up by William the Conqueror, 184, (24).  
why so called, 184, (24).  
common law court of, its jurisdiction, 184, (25), *et seq.*  
equity court of, its jurisdiction, 186, (32), *et seq.*
- Excommunication, lesser, what it is, 192, (7).

- Excommunication, greater, 192, (7).  
its consequences, 192, (9).
- Excusable homicide, 311, (21), *et seq.*
- Execution, 263, (1), *et seq.*  
in real and mixed actions, 263, (2).  
by elegit, 83, (19).  
process of, 234, (4).  
criminal, 365, (1), *et seq.*  
warrant of, 365, (2).
- Executive power, 24, (1); 28, (17).
- Executors and administrators, history of the right to administer, 158, (10), *et seq.*  
appointment of executor, 160, (27).  
appointment of administrators, 161, (31).  
administration cum testamento annexo, 160, (30).  
de bonis non, 161, (36).  
executor of an executor, &c., 161, (33, 34).  
executor de son tort, 162, (38).
- Executory devise, 87, (22), *et seq.*
- Exigent, writ of, 236, (14).
- Ex post facto laws, 4, (27).
- Express malice, 320, (73, 74).  
condition, 81, (5-9).  
contract, 146, (13); 210, (24).  
warranty, 117, (13).
- Extra judicial remedy does not exclude the ordinary course of justice, 175, (2).
- Eyre, justices in, 368, (9).
- Facto, king de, 24, (5).
- False imprisonment, what constitutes, 202, (44).  
action of, 202, (47).
- Fealty, 32, (5, 6); 60, (10).
- Fee. See "*Estate.*"
- Felo de se, 315, (42), *et seq.*; 159, (19).
- Felocious homicide, 315, (41).
- Felony, definition of, 295, (1), *et seq.*  
punishment of, 296, (6); 323, (6); 325, (10).
- Feoffment, 120, (34, 35, 36).
- Feudal system, history of, 59, (1), *et seq.*; 367, (5).  
oath of fealty, 60, (10).  
descent, 61, (14).  
all lands are held of the crown, 59, (6).
- Fiction in law, 128, (11).
- Fictions, legal, beneficial, and useful, 184, (23).
- Fieri facias, 265, (15).  
against whom it lies, and how executed, 265, (15, 16).
- Final judgment, 260, (16).  
decree, 272, (38).
- Finding of indictments, 347, (8).
- Fine of lands, 127, (6), *et seq.*; 369, (12).  
how it affects parties, privies, and strangers, 128, (10).
- Fire ordeal, 354, (2).
- Fishery, 133, (5).  
common of, 56, (8).
- Foreign bills, 151, (53).
- Foreigner. See "*Alien.*"
- Forest laws, 139, (6); 190, (1); 368, (6).
- Forfeiture, 80, (3); 360, (9), *et seq.*  
title by, 213, (45).  
for crimes and misdemeanors, 139, (7, 8); 360, (10), *et seq.*
- Forgery, 334, (35, 36, 37).
- Founder of a corporation, who, 47, (17).
- Franchise, royal, 30, (6).
- Franchises, 57, (14).  
disturbance of, 230, (1).  
allowance of, 232, (6).
- Frank almoigne, 69, (18).
- Frank-marriage, 92, (24).
- Frank-pledge, 334, (2, 3).
- Frank-tenement, 70, (4). See "*Tenure.*"
- Frauds and perjuries, statute of, 212, (42).
- Full age, 43, (14).
- Furandi animus, 330, (11-14).
- GAME, 53, (18); 134, (4), *et seq.*; 138, (5); 139, (6).
- Gaming, 307, (4).
- Gavelkind, 67, (10); 367, (4).
- General issue, why so called, 243, (33).  
special plea, amounting to, not allowed, 244, (41).
- General demurrer, 246, (2).
- Gifts of lands, 121, (44).  
of chattels, 144, (1), *et seq.*
- God and religion, offenses against, 288, (3), *et seq.*  
apostasy, 288, (5); 289, (6).  
heresy, 289, (7).  
against church, 289, (8).  
non-conformity, 289, (8).  
Protestant dissenters, 289, (9).  
papists, 289, (9, 10).  
popery, 289, (10, 11).  
popish recusants, 289, (10); 290, (13).  
blasphemy, 290, (14).  
simony, 291, (18).
- Goods and chattels, 132, (1), *et seq.*
- Government, its origin and object, 5, (20), *et seq.*  
its forms, 6, (33).
- Grand assize, trial by, 250, (3).
- Grand jury, 261, (3, 4); 346, (1), *et seq.*
- Grand and petty larceny, 328, (2), *et seq.*
- Grand sergeanty, 65, (22).
- Grant of hereditaments, 121, (47).  
of chattels, 144, (1), *et seq.*



- Grant by the crown, 127, (5).  
 Great seal, 185, (28).  
 Guardian and ward, 41, (1), *et seq.*  
   by nature, 41, (2).  
   for nurture, 41, (4).  
   in socage, 42, (5, 6).  
   court of chancery is general guar-  
   dian, 42, (12); 267, (2, 3).  
 HABEAS CORPUS ad respondendum, 203,  
   (52).  
   ad satisfaciendum, 203, (53).  
   ad prosequendum, testificandum, de-  
   liberandum, &c., 203, (54).  
   ad faciendum et recipiendum, 203,  
   (55).  
   ad subjiendum, the great and effi-  
   cacious writ, 202, (50).  
 Habeas Corpus Act, 18, (15); 19, (24).  
 Habendum, 116, (8).  
 Habere facias possessionem, 263, (3).  
 Habere facias seisinam, 263, (2).  
 Half-blood, 99, (27), *et seq.*  
 Hanging, 366, (4, 5).  
 Head of the Church, who, 29, (21).  
 Heir-looms, 139, (2); 140, (12), *et seq.*  
 Hereditament, what, 54, (8, 9, 10).  
 Hereditary right to the crown, 24, (2-4).  
 Heresy, 288, (5); 289, (7).  
 Heriots, 139, (3); 140, (4-10).  
   heriot service and heriot custom, 140,  
   (4-7).  
 Henry I., his laws, 368, (7).  
 High treason, 293, (3).  
 History of the law, 366, (1).  
 Homicide, 308, (1), *et seq.*  
   justifiable, 309, (3, 4, 5).  
   of necessity, 309, (5).  
   for advancement of justice, 309, (8).  
   in self-defense, 311, (21).  
   excusable, 311, (21).  
   by misadventure, 312, (22).  
   felonious, 315, (41).  
   self-murder, 315, (42), *et seq.*  
   manslaughter, 317, (51), *et seq.*  
   voluntary, 317, (54); 318, (57).  
   involuntary, 318, (58).  
   murder, 319, (65), *et seq.*  
 Homine replegiando, 202, (48).  
 Hotchpot, 92, (24).  
 House is land, 54, (11).  
 House of Commons, 23, (7).  
 House of Lords, 23, (6).  
   appeal lies to it from the equity  
   court of chancery, 187, (38).  
   its jurisdiction upon appeals and  
   writs of error, 187, (39).  
 Hue and cry, 344, (18).  
 Hundred court, 180, (6).  
 Husband and wife, 37, (1), *et seq.*  
   husband's power over wife's prop-  
   erty, 143, (7-10).  
   wife's title by survivorship, 143, (8).  
   wife's paraphernalia, 143, (11, 12).  
   how far wife's crime is excused, 283,  
   (15).  
 Hypothecation of ship, 149, (36, 37).  
 Idiots, jurisdiction of chancellor, 267, (2).  
 Ignorance, when it excuses crime, 282,  
   (14).  
 Imagining the king's death, 293, (5).  
 Imparances, 241, (16).  
 Impediments of marriage, 37, (5).  
 Implied contracts, 146, (13, 14).  
 Imprisonment, 19, (26); 20, (27-30).  
   false, 202, (46-50).  
 Incorporation, power of, 45, (8, 9).  
 Incorporeal hereditaments, 55, (1), *et seq.*  
 Indebitatus assumpsit, 210, (30).  
 Indenture, 115, (2).  
 Indictable, what is, 324, (10).  
 Indictment, 346, (1, 2).  
   form of, 347, (13); 348, (14, 15).  
   locality of, 347, (10, 11).  
   certainty required in, 347, (13).  
 Infamous witness, 254, (31).  
 Infancy, its incidents, 42, (13), *et seq.*  
 Infants, contracts by, 44, (23).  
   in ventre sa mere, 18, (19).  
   who are, 43, (14).  
   conveyances by and to, 113, (5, 6).  
   jurisdiction of chancery, 267, (2, 3).  
   when liable for crimes, 280, (1-5);  
   281, (8, 9, 10).  
 Information, in crown office, 348, (16).  
 Injunction, 268, (12).  
 Injuries, civil, 166, (2).  
 Innkeeper, liabilities and lien of, 216, (55).  
 Innuendo, 201, (40).  
 Inquest of office, remedy for injuries to  
   the crown, 231, (3); 347, (4).  
 Inquiry, writ of, 260, (15).  
 Inspection, trial by, 248, (4).  
 Institutes of Justinian, 13, (15).  
 Insurance, 149, (39); 150, (40, 41).  
   marine, 150, (41).  
 Intent in larceny material, 330, (11-14).  
 Interesse termini, 78, (8).  
 Interest on money, 149, (34, 35); 150,  
   (42, 43).  
 Interested witnesses, 254, (31).  
 Interlineation in a deed, 119, (31).  
 Interlocutory judgments, 259, (12, 13).  
 Interpretation of law, 8, (44, 45).  
   rules for, 9, (47, 48).  
 Interregnum, 28, (16).  
 Interrogatories, 268, (11).

- Interrogatories, examination on, 340, (13,  
 14, 15).  
 Intestate, 157, (5-9). See "*Executors and  
 Administrators.*"  
 Involuntary manslaughter, 318, (58).  
 Issue, collateral, 364, (7).  
   in criminal cases, 364, (8).  
   joinder of, 246, (49); 353, (10).  
   tender of, 245, (48).  
   of fact when said to be joined, 246,  
   (6).  
   directed by court of equity, 272, (35).  
   feigned, 272, (35).  
 JAIL delivery, 337, (8).  
 Jeofails, 262, (13).  
 Jetsam, 192, (13).  
 Joinder of issue, 246, (6); 353, (10).  
 Joint owner of a chattel, crown cannot  
   be, 138, (3).  
 Jointure, 75, (21), *et seq.*; 89, (3).  
 Judgment, title by, 144, (13, 14).  
   debt by, 151, (47).  
   remedy by elegit, 83, (19).  
   for what causes arrested, 259, (7).  
   from what time it binds lands, 266,  
   (23).  
   action of debt on, 214, (46, 47).  
   in criminal cases, 359, (1), *et seq.*  
 Judges are counselors to the king, 25, (1).  
 Depositories of the common law, 12,  
   (7).  
 Judicial power, 29, (21).  
 Judicium Dei, 354, (2).  
   ferri, aquæ, et ignis, 354, (2).  
 Jure, king de, 24, (5).  
 Jurisdiction, plea to, 242, (24); 352, (1, 2).  
 Jurors, challenge of, 252, (13-20); 354,  
   (7, 8); 355, (9).  
   for infamy, 252, (20).  
   might formerly give their verdict ac-  
   cording to their own knowledge,  
   256, (41).  
   may now be sworn as witnesses,  
   256, (42).  
 Jury, trial by, 250, (1), *et seq.*  
   its establishment in England, 250, (1).  
   defects of trial by, 257, (50).  
   common, how returned, 251, (12).  
   trial by, in criminal cases, 353, (1),  
   *et seq.*  
   award of tails, 355, (10).  
   verdict of, 355, (15); 356, (16, 17, 18).  
   grand, qualifications and numbers of,  
   346, (1), *et seq.*  
   what persons exempted from serving  
   on, 253, (22).  
   special, when had, 251, (10).  
   how struck, 251, (11).  
 Justice, right to, 21, (37, 39).  
   king the fountain of, 29, (21).  
   neglect or refusal of, 193, (20).  
   offenses against, 299, (1), *et seq.*  
   injuring records, &c., 300, (2).  
   jailors making persons become ap-  
   provers, 300, (2).  
   obstructing process, 300, (2).  
   escapes, 300, (2).  
   rescue, 300, (2).  
   returning from transportation, 300,  
   (2).  
   theft-bote, 300, (2).  
   barratry, 300, (2).  
   maintenance, 300, (2).  
   champerty, 300, (2).  
   compounding criminal informations,  
   300, (2).  
   conspiracy, 300, (2).  
   perjury and subornation of perjury,  
   302, (15); 303, (16).  
   bribery, 303, (18-22).  
   embracery, 303, (23).  
   false verdict, 304, (24).  
   negligence of officers, 304, (25).  
   oppression of officers, 304, (26).  
   extortion, 304, (27).  
   homicide in advancement of, 309, (8),  
   *et seq.*  
 Justifiable homicide, 309, (4, 5, 8), *et seq.*  
 KIDNAPPING, 323, (7).  
 Killing, what amounts to murder, 320,  
   (69), *et seq.*  
   what to manslaughter, 312, (27).  
 Kin, 96, (7). See "*Descent.*" "*Executors  
 and Administrators.*"  
 King, 24, (1-5).  
   lord paramount, 62, (2).  
   a constituent part of Parliament, 23,  
   (6); 29, (21).  
   can do no wrong, 27, (12); 28, (13);  
   284, (22).  
   councils of, 25, (1, 2).  
   dignity of, 27, (6).  
   sovereignty of, 28, (18).  
   title of, 24, (1).  
   fountain of justice, 29, (21).  
   injuries by or to, 231, (1), *et seq.*  
   perfection of, 27, (12).  
   perpetuity of, 28, (16).  
   power of, 28, (18).  
   prerogative of, 26, (1), *et seq.*  
   contempt against courts of, 299,  
   (8, 11).  
   contempts against his government,  
   299, (8).  
   counterfeiting money of, 294, (14),  
   296, (7).



- King, all lands are held of, 59, (6).  
 prerogative copyright, 138, (4).  
 forfeiture of lands to, 108, (3).  
 no general occupancy against, 105, (3).  
 revenue extraordinary of, 30, (1).  
 seals of, 185, (28).  
 person of, contempts against, 299, (8).  
 prerogative of contempts against, 299, (8).  
 felonies against, 296, (7).
- King's Bench, court of, 182, (17); 183, (18).  
 judges of, 183, (19).  
 not fixed to any certain place, 183, (20).  
 its jurisdiction, 183, (21).  
 process in, by bill, of Middlesex, 237, (16).
- Knighthood, 34, (5); 63, (10), *et seq.*
- Knight's service, 63, (11, 12); 64, (13).
- LAND, what, 54, (6).  
 left by the sea or a river, 106, (7, 8, 9).  
 re-entry on, 168, (15).  
 always inclosed in the eye of the law, 223, (3).  
 from what time a judgment binds, 266, (23).
- Landlord, priority of, before execution creditor, 265, (18).
- Lapse of devise and bequests, 164, (48).
- Larceny, 328, (1), *et seq.*  
 simple, 328, (2); 329, (3).  
 there must be a taking, 329, (3).  
 by party stealing his own goods, 329, (9).  
 there must be a carrying away, 329, (10).  
 and a felonious intention, 330, (13).  
 and a stealing of personal goods, 330, (15).  
 where owner is not known, 331, (18).  
 punishment of, 331, (23, 24, 25); 332, (26, 27).  
 compound, 332, (28).  
 from the house, 333, (29).  
 from the person, 333, (30).  
 by robbery, 333, (31, 32, 33).  
 by aggravated robbery, 333, (34).  
 of animals, 135, (8).
- Law, its signification, 1, (1, 2).  
 canon, 13, (14, 15, 16).  
 civil, 13, (14, 15, 16).  
 common, 11, (1), *et seq.*  
 divine or revealed, 2, (12), *et seq.*  
 interpretation of, 8, (44), *et seq.*  
 moral obligation of, 8, (43).
- Law, municipal, 4, (22).  
 of God, 2, (8).  
 of nations, 3, (17, 18, 19).  
 of nature, 1, (4); 2, (5-9).  
 parts of a law, 7, (38), *et seq.*  
 promulgation of, 4, (27).  
 statute, 14, (19-22).  
 divine, offenses against, 288, (3), *et seq.*  
 of nations, offenses against, 292, (3, 4, 5).  
 wager of, 249, (9); 250, (10); 367, (4).
- Laws, of Alfred, 366, (2).
- Laws unwritten, 11, (1-6).  
 three kinds of, 11, (6).  
 written, 14, (19).
- Law side of the chancery, 185, (30, 31).  
 exchequer, 184, (24, 25).
- Lease, 121, (48). See "*Estate*."  
 entry and ouster, 221, (13).
- Legacies, 163, (45). See "*Wills*."
- Legal memory, former and present limits of, 12, (12); 56, (5).
- Legislative power, 7, (36, 37); 22, (3).
- Legislature, how far controllable, 23, (8).
- Legitimacy, 39, (2, 3).
- Letter, threatening, &c., 305, (2).
- Letters patent, 127, (5).
- Levant and couchant, meaning of, 170, (25).
- Levari facias, 265, (20).
- Levying war against the king, 294, (11).
- Libel, remedies for, 201, (39).  
 in action for, defendant may justify the truth, 201, (39).  
 on judges, &c., 305, (5).
- Liberties, 57, (14).  
 charter of our, 18, (15, 16).
- Liberty, civil, 18, (14).  
 natural, 17, (11, 12).  
 personal, 19, (22, 23).  
 political, 18, (14).
- Lien of vendor of goods, 148, (26).  
 of bailee, 148, (32).
- Life, 18, (16, 17).  
 distinction between natural and civil, 73, (6).  
 crimes against, 308, (1), *et seq.*
- Ligeance, 31, (4), *et seq.*
- Limbs, 18, (18).
- Limitation, of actions, 243, (37).  
 of indictments, 349, (20).
- Lineal descent of the crown, 24, (4).
- Livery of seizin, 120, (36).
- Local actions, 239, (4).
- Locality of trial, 257, (51); 347, (11).
- London, courts of, 190, (1).  
 customs of, 12, (11).  
 custom of, tried by certificate of the mayor and aldermen, 248, (5).

- London, whether defendant be a citizen, tried by sheriff's certificate, 248, (5).
- Lords, House of, 23, (6).
- Lunacy, jurisdiction of chancellor, 267, (2).
- Lunatic, 282, (11, 12); 364, (4). See "*Idiot*."
- marriage of, 38, (11).
- Luxury, 307, (4).
- MAGISTRATES, 22, (1, 2, 3).  
 oppression by, 304, (26).
- Magna Charta, 18, (15); 368, (11).
- Mainprize, writ of, 202, (48).
- Maintenance of suits, 37, (12).
- Making law, 249, (9).
- Mala in se, 8, (42, 43).
- Malice express, 320, (73, 74).  
 implied, 320, (73, 74).  
 in libels, 305, (5).  
 in murders, 320, (72).  
 in arson, 325, (5).
- Malicious prosecution, action on the case for, 199, (30, 31).
- Mandamus, writ of, when it issues, 194, (22, 23).
- Manors, 69, (17).
- Manslaughter, 318, (55), *et seq.*  
 punishment of, 319, (62).
- Marine insurance, 150, (41).
- Maritime courts, 189, (5, 6, 7).
- Marque and reprisal, letter of, 29, (20).
- Marriage, 37, (1), *et seq.*  
 civil contract, 37, (2).  
 clandestine, 307, (4).  
 disabilities of, 37, (6, 7); 38, (8-11).  
 suit on contract of, 191, (4).
- Master and servant, 35, (1), *et seq.*  
 action by, for battery of his servant, 205, (70).
- Matrimonii, divorce a vinculo, 38, (13).
- Matrons, jury of, 363, (2).
- Maxims, 12, (7).
- Mayhem, 198, (22-25).  
 offense of, 323, (2).
- Memory, time of legal, 11, (5).
- Mensâ et thoro, divorce a, 38, (13, 14).
- Merger, doctrine of, 88, (29).
- Mesne profits, action for, 222, (16, 17).
- Mesne process, 234, (2, 3).
- Minority, incidents of, 41, (1), *et seq.*
- Misadventure, homicide by, 311, (21); 312, (22).
- Misdemeanor, 274, (1); 277, (5, 6, 7).
- Misnomer, consequences of, 352, (4).
- Misprision, against king and government, 298, (1), *et seq.*  
 of treason, 298, (2, 3, 4).  
 of felony, 298, (5).
- Mixed actions, 196, (8).
- Monarchy, 6, (33, 34).  
 not elective, but hereditary, 24, (2).
- Monuments are heir-looms, 141, (15).
- Mortgage, 82, (13).
- Mortmain, 109, (4, 5); 369, (12).
- Movables, 132, (1), *et seq.*
- Mulier puisné, 103, (16).
- Municipal law, 4, (20), *et seq.*
- Murder, definition of, 319, (65).  
 offender must be of sound memory &c., 319, (65).  
 there must be malice aforethought, 320, (72).  
 punishment of, 321, (81).  
 when pardonable, 364, (9).
- Mute, standing, 351, (3, 4, 5).  
 advising it, 299, (11).
- NATIONS, law of, 3, (17), *et seq.*  
 offenses against laws of, 291, (1), *et seq.*  
 piracy, 292, (5, 6).
- Natural liberty, 17, (11, 12); 18, (13, 14).  
 persons, 16, (5).
- Naturalization, 34, (16); 103, (12).
- Nature, state of, as to property, 49, (1), *et seq.*  
 law of, 1, (4), *et seq.*
- Ne exeat regno, 20, (31).
- Necessaries, liability for, 39, (6).
- Necessity, when it excuses crime, 282, (14); 284, (21).  
 homicide by, 309, (5).
- Negligence, 214, (48).  
 of bailee, 148, (31).  
 of officers, 304, (25).
- Negligent escape, 264, (12); 301, (4, 5, 6).
- New trial, when granted, 258, (3, 4).  
 in criminal cases, 356, (17).
- News, false, spreading, 305, (2).
- Next of kin, 99, (22).
- Nisi Prius, courts of, 187, (40).  
 commission of, 188, (43).
- Nobility, 34, (2, 3, 4).  
 how created, 34, (4).  
 king, fountain of, 29, (21).
- Non compos mentis, 282, (11, 12); 364, (4). See "*Lunacy*."
- Non prosequitur, 240, (10).
- Non-conformity, 289, (8, 9).
- Nonsuit, 240, (10); 247, (10); 256, (44).
- Norman Conquest, 367, (5).
- Not guilty, plea of, 353, (8, 9).
- Notice to quit, 79, (15).
- Nudum pactum, 147, (20, 21).
- Nuisance, definition of, 224, (1).  
 to land, 225, (5).  
 indictment for, 226, (9, 10).