

to this purpose. In fine, where one material part of an Judgment is Repugnant to Another, the whole is void. Hawkins lib. 2 chap. 25 § 64.

That one man may not be troubled for Another the person indicted should be certainly Described by his Name and addition, of what estate Degree or Mystery he is, and in what town Hamlet place and County he lives; R. 5 cap. 5. Misnomer or Misnaming of his Christian name or name of Baptism doth make an Indictment fail. But no Indictment can take any advantage of a Mistaken Surname in an Indictment Notwith standing it have no Manner of an affinity with his true one, and he was never known by it, Hale pl. Cr. 243. Hawkins pl. Cr. lib. 2 chap. 25 § 70 & 71. A Bishop of an Irish Diocess, may be as well Described by the Addition of his Bishoprick as an English Bishop may by the Addition of an English Bishoprick. But no one can be well Described by a Temporal Dignity in Ireland or any other Nation besides our own. Because no such Dignity can give a Man a higher title here than that of Esquire, Hawkins lib. 2 chap. 23 § 108. Gentleman or Esquire, or Yeoman or Labourer, are either of them good additions for the estate and Degree of a Man. Gentlewoman or Widow, or Single Woman or Spinster, or wife of J. S. are all of them good additions of the estate or Degree of a Woman. Hawkins lib. 2 chap. 23 § 110. But Burgess Citizen or servant are all of them too general, and therefore not good additions of the estate or Degree of a Man or woman Books 2 Just. 668. Hawkins lib. 2 chap. 23 § 111. Maintainer, Extortioner, thief, Vagabond, Rascal and the like, are Insufficient Additions of ones Mystery i. e. art trade or Occupation Books 2 Just. 668. Hawkins lib. 2 chap. 23 § 114. Additions in English are as good as in Latin. Where there are several Defendants of Different Names Having the same addition, it is safest to Repeat it after each of their Names: and a Son being of the same Name and Addition with the father, ought to be distinguished with some farther Description, as the addition of Child to the other addition, Hawkins pl. Cr. lib. 2 chap. 23 § 105. Jointly Chap. 25 § 72. If an Indictment

Named with an Insufficient addition, or without any, appear and plead to the Judgment, he cannot after wards take advantage of the Defect of the Addition Books 2 Just. 670. Hawkins pl. Cr. lib. 2 chap. 23 § 123 joint. chap. 25 § 72. because by his appearance and plea, he admits himself to be the person intended, and so constat de personis. The other persons besides the Defendant Mentioned and Referred to in the Judgment should also be Described with Generosity certainly, that the Defendant may be the Better Enabled to Make his Defense, and plead the Judgment to a subsequent prosecution. But where in common presumption, it may be very difficult if not impossible to know the Names of persons Referred to in an Indictment, it may be good without Naming any of them: as where one is indicted for having knowing ly received and harboured diverse thieves to the jurors Unknown by name, who yet might be publicly known to carry on such a practice to the Common Nuisance of the Country; in which case such a General Charge is Maintainable from the necessity of the thing. And where one slain is found to be figured by his wounds that no person can discover who he was, or where a stranger Unknown to the Country is found slain or Robbed, an Indictment against the offender for having killed or Robbed quendam Ignotum is good. Again, in the Indictment of the Regicides for the Murder of King Charles the first, it being Unknown who was the Executioner; it was agreed, that the fact was well laid as done per quendam Ignotum with a Vozor on his face, and the persons particularly Named were indicted as present Aiding and assisting thereto, Hawkins pl. Cr. lib. 2 chap. 25 § 73. Kel. Rep. 110.

It is most Regular in an Indictment to set forth the day and the Year of the Kings Reign, and the place where the offence was committed: but a Mistake in not laying the offence on the very same day, and at the same place or and at which it is after ward proved upon the trial, is not Material upon Evidence Books 2 Just. 318.