

889. River must be charged upon 18 days act 25 Parl. 6 J. 6 and the
 out of Scotland upon 60 days. The letters are subscribed by the
 Clerk and pass under the signet of the Court. The person
 against whom Criminal letters are raised, is bound to find
 surety for his appearance to undergo the law, and the
 same paid as the raiser of the letters finds surety for
 reporting the same Act 166 Parl. 13 J. 6.

In the libelling Judgments and Criminal letters and
 summons, it may be observed, of the preamble of the
 runs in general terms thus: Albeit by the laws of God and
 the Common law, and the laws of this and all other well
 Governed Nations, the Crime of L. is strictly prohibited
 under the highest pain; because the law is, and ought
 to be known by the Judges. But properly, it is conceived
 Especially, Expressing the particular laws of Act of Par-
 liament whereupon the Accusation is founded. 2/ By the
 Civil law l. 3 ff. de Accus. the Subsumption or Matter of fact
 should mention the Criminals name and Designation
 or addition, the Month when and the place where the
 Crime was committed either Expressly V. G. in such a
 Court house, or per Cohærentias as the lawyers phrase it
 V. G. that it was committed near such a hill water or place
 but needs not to specify the hour or day. By the old law of
 Scotland, the parties named day Year place cause of
 the Complaint, and Damages are the seven Essentials
 of a Criminal libel, Lyon Attach. cap. 8. 3/ According
 to our present law that one man may not be troubled for
 another, the person accused ought to be certainly des-
 cribed by his Name and Designation or Addition. But it
 being objected that a woman accused for theft forming
 and being held and reputed an Egyptian was wrong
 named Agnes Brown in the Judgment, for that her
 true Name was Margrat Brown; the Lords rejected
 the plea of Misnomer, and sustained the libel again.

here in regard the Kings Advocate produced two witnesses
 for who Deposed that when the Parcel was seized, she said
 to them that her Name was Agnes Brown 6 August 1714
 Agnes Brown. In the Judgment of Robbery, the person
 accused was named, and only Designed Common Thief and
 Robber 10 December 1722 Donald Bain W. v. v. Letters are
 not to be Directed against Accused in general, but
 persons specially charged with particular Crimes Express-
 ly Act 7 Parl. 6 act 25 Parl. 11 J. 6. some parties might abuse
 an Arbitrary power to charge whom they please 4/ In
 Crimes depending upon Time, as the striking one in
 the session house when the Lords are sitting; or the
 wounding or killing a person in the time of Divine service
 &c. the particular time must be libelled: because the time
 of committing the Crime is not a More Circumstance; but
 the very Medium Connected with it. But such Crimes as by their
 Nature Depend not upon time, are usually libelled to have been
 committed, V. G. in the Months of June July August &c. or
 one or other of these Months; or one or other of the weeks
 or days of the said Months. A libel for Murder committed
 upon one or other of the days of the Month of the
 Year 1677. 1678. 1679 was not sustained, as too indefinite
 laying the fact within the Bounds of three Years. But
 it was sustained when Restricted to one or other of
 the Days of the Months of January or February, or be-
 ginning of the Year 77. 2 December 1696 Patrick & James
 Year. Nor was a libel for blasphemy committed on
 one or other of the days of the Months of the Year 1696
 or 1697 sustained, as too general; but it was sustained
 when Restricted to the four or five last Months of
 the 1696 or two or three first Months of the 1697. 13 De-
 cember 1697. In this month of that ill. Albeit such a
 charge of libelling is allowed, the Defensor may offer
 to prove that upon some particular days of the Mo-
 neth libelled he was Abies, and will get a warrant for