

for letters of Exculpation to Cite witnesses for proving alibi
 and if the witnesses produced by the Juror beyond that
 the crime was committed upon any of these days when
 it proved that the Defendant was alibi, he will not be there
 upon Convicted. For the the Juror is not obliged to believe
 the precise day, the witnesses must be positive with respect
 to it, where alibi is offered to be proved. 5/ Regularly Crime
 ought to be particularly set forth and Described; that the
 affixes be not left to Judge in Matters of law, and the same
 put to the knowledge of an Inquest upon an Irrelevant
 libel. Thus a libel for Manslaughter bearing that the
 Pannel having with Great fury fallen Upon one Mr M
 with in the fist after some words, and thrown him to
 the Ground, did beat and bruise him so cruelly, that he did
 thereof within half an hour after he was carried home
 was found Relevant to infer only an Arbitrary punish-
 ment: in respect it did not Mention the words that pro-
 ved betwixt the pannel and the person Deceased before
 the beating and bruising, that it might appear whole
 they were sufficient to infer, that the Pannel had an
 animi injuriandi malice against him and a killing design
 Nor did specify the instrument of violence used in attacking
 the Deceased, that it might be known if they were Murther
 nor yet Express the parts of his body that were beaten
 and bruised, to clear if the beating and bruising of such
 parts could have occasioned his Death 23 January 1710
 William Bathgate. But a libel for Murder bearing
 that the pannel caused call a Man out of his house,
 and immediately when he came out shot at him
 with a charged Gun whereby he Died in a few hours,
 was sustained Relevant to Albeit it was pleaded,
 that the person sent to call him out ought to have
 been Mentioned, that the pannel might have
 Exculpated himself by proving that person to have
 been

been Accessory to the Crime, or alibi &c. In respect the Dis-
 charging the Gun and killing by the shot is not so Rele-
 vant, without the Circumstances of calling out the person
 killed which is only for clearing how the Murder pro-
 ceeded; and it imports nothing by whom he was called
 out, if the thing was done 15 Feb. 1697 Sir Godfrey M. Clerk
 of Miretown. A libel for Manslaughter bearing, that the
 person Accused gave a Man several strokes and thrusts
 with his drawn sword whereupon he presently sunk down
 and died upon the spot, was sustained Relevant to Albeit
 it was pleaded for the pannel, that the libel should
 have Mentioned some wound given, or that the strokes
 and thrusts were the cause of his death. For that there
 is a great Difference betwixt the word whereupon and
 the word whereby he Died: seeing the former is only
 an Inference as to the time without any cause of what
 followed, and the party might presently after thrusts
 and strokes given him die of an Apoplexy, or by a fall
 or other Accident, and not of these thrusts and strokes;
 whereas the word whereby imports a Direct causality
 and that what followed was the Effect of what preceded
 so is June 1701 Ensign Hardie. But some Crimes, as well
 and part of Crimes Act 151 Parl. 12 J. 6. (vide supra pag.
 19) Forfeiting and Regrating Act 146 Parl. 12 J. 6. 12 July
 1596 John Tindor and others, theiving, stealing, and cutting
 of pieces at fairs and Markets 12 December, 1698 Ra-
 millon alias Jarlet and Young. Robbery, (vide supra pag.)
 Piracy, (vide supra pag.) Breaking of prison and Dismiss-
 ing prisoners out of it (vide supra pag.) The allowed
 to be libelled in general at the Kings Advocates In-
 stance, without descending to the way and Man-
 nor of Accession at Act and parts, or of forfeiting
 and Regrating, and without Naming the persons
 whose