

## CHAPTER XLII.

## BRIBERY.

Bribery, or attempt at bribery, is a [Corroboration required to convict, § misdemeanor at common law, § 1857. 1859.

§ 1857. CORRUPTION, so far as it concerns the misconduct, active or passive, of the officer corrupted, has been already independently noticed.<sup>1</sup> At present will be singly considered bribery as it relates to the person offering the bribe.<sup>2</sup>

Bribery is corruptly tendering or receiving a price for official action.<sup>3</sup> It is defined by Blackstone to be where a judge or other person connected with the administration of justice seeks an undue reward to influence his behavior in office.<sup>4</sup> Sir W. Russell<sup>5</sup> extends it to all cases where any undue reward is received or offered by or to any person whatsoever, whose ordinary business relates to the administration of public justice, in order to influence his behavior in office, and incline him to act contrary to the known rules of honesty and integrity.<sup>6</sup> Neither of these definitions is broad enough, unless we unduly extend the term justice; both are too much encumbered by detail. Defining bribery, however, to be the corruptly tendering or receiving a price for official action, it is an offence at common law, and so is an attempt to bribe, even though the offence be not con-

<sup>1</sup> *Supra*, § 1570.

<sup>2</sup> For federal statutes, see Rev. Stat. U. S. §§ 5449 *et seq.* By §§ 66, 71, 72 of the N. Y. Penal Code of 1882, the prior law in this relation has been recast.

<sup>3</sup> See *R. v. Vaughan*, 4 Burr. 2494; *R. v. Cassano*, 5 Esp. 231; *R. v. Crip-land*, 11 Mod. 387; and cases cited *infra*, § 1858. See, also, Whart. on Cont. §§ 405 *et seq.*

<sup>4</sup> 4 Black. Com. 139; *Simpson v. 1 East*, 183. *Supra*, § 1572.

614

*Yssend*, L. R. 1 Q. B. 626. It is not bribery for a person who is a candidate for public office to offer to give a certain portion of his salary, if elected, to the county treasurer, unless it appear that the persons addressed would in some way be benefited by the offer. *State v. Church*, 5 Oreg. 575. As to conspiracy to bribe, see *supra*, § 1375.

<sup>5</sup> 2 Russ. on Cr. 122.

<sup>6</sup> *R. v. Beale*, cited in *R. v. Gibbons*,

summated.<sup>1</sup> And the offence is complete when an offer is made, although in a matter not within the jurisdiction of the officer.<sup>2</sup> So far as concerns judicial officers, it has been stated generally that "Every gift or payment made in respect of, or in relation to, any business having been, being, or about to be transacted before any such person in his office is a bribe, whether it is given in order to influence the judicial officer in something to be done, or to reward him for something already done, and whether the thing done or to be done is itself proper or improper."<sup>3</sup>

§ 1858. In conformity with these views, it has been held indictable at common law to be concerned either as actor or receiver in the bribery or attempt at bribery of a voter at any public election;<sup>4</sup> of a cabinet minister and member of the privy council;<sup>5</sup> of a commissioner of the revenue;<sup>6</sup> of a member of a legislature;<sup>7</sup> of a member of a municipal board;<sup>8</sup> of a justice of the peace, even though the case in which the bribe is offered is not yet instituted,<sup>9</sup> and the

<sup>1</sup> 2 Russ. on Cr. 124. *Supra*, § 179; *L. J.* 441; *Com. v. McHale*, 97 Penn. St. 397; *Com. v. Shayer*, 3 W. & S. St. Tr. 139; *Walsh v. People*, 65 Ill. 58; *Dishon v. Smith*, 10 Iowa, 213; *Collins v. State*, 25 Tex. Sup. 202; *Hutchinson v. State*, 36 Tex. 294. See *Barefield v. State*, 14 Ala. 603. As to attempts, see *supra*, § 179. As to bribery of voters, see *Whart. on Cont.* § 406.

<sup>2</sup> *State v. Ellis*, 33 N. J. L. 102.

Under Indiana statute, see *State v. Stephenson*, 83 Ind. 246. As to indictment, see *Watson v. State*, 39 Ohio St. 123; *State v. Walls*, 54 Ind. 561; *State v. Stephenson*, 83 *Ibid.* 246; *Brown v. State*, 13 Tex. Ap. 358.

<sup>3</sup> Steph. Dig. Cr. L. art. 126, to which is appended the following note: 3 Inst. 144-8; 1 Hawk. P. C. 414-15; 5th Rep. C. L. C. 20-21. See, too, Spedding's Life of Bacon, vii. 209-78.

<sup>4</sup> *Supra*, § 1848. *R. v. Pitt*, 3 Burr. 1335; *R. v. Cripland*, 11 Mod. 387; *R. v. Plympton*, 2 Ld. Ray. 1377; *Com. v. McCook*, cited in *Whart. Prec.* 1012, n.

For Pennsylvania constitutional provision, see Judge Pearson's charge, 7 Weekly Notes, 306. For proceedings under Ohio statute, see *Watson v. State*, 39 Ohio St. 123.

<sup>5</sup> *State v. Ellis*, 33 N. J. L. 102; *Com. v. Petroff*, 8 Weekly Notes, 212; *S. C.*, 1 Crim. Law Mag. 716.

<sup>6</sup> *Barefield v. State*, 14 Ala. 603.

money is only taken in order to inform;<sup>1</sup> of a judicial officer of any grade;<sup>2</sup> of a juryman;<sup>3</sup> of a sheriff, to induce him to summon jurors to be nominated by the defendant;<sup>4</sup> and of a deputy sheriff *de facto*.<sup>5</sup> And the same rule has been applied to a corrupt agreement between A. and B., that A. shall vote for C. as commissioner, in consideration that B. will vote for D. as clerk.<sup>6</sup>

An offer by a public officer to receive a bribe is an indictable offence.<sup>7</sup>

To constitute bribery, a mere present *after* the act, without a corrupt prior understanding will not suffice.<sup>8</sup>

Embracery is considered in another volume.<sup>9</sup>

**Corroboration when more than a single witness is required.** § 1859. When a statute requires that a conviction for bribery shall not be had on the testimony of a single witness, without corroborating circumstances, the corroboratory evidence must go directly to the fact of the bribe.<sup>10</sup>

<sup>1</sup> Com. v. Murray, 135 Mass. 531.

<sup>2</sup> State v. Carpenter, 20 Vt. 9.

<sup>3</sup> Young's Case, 2 East, 16.

<sup>4</sup> Com. v. Chapman, 1 Va. Cas. 133.

<sup>5</sup> Florez v. State, 11 Tex. Ap. 102.

<sup>6</sup> Com. v. Callaghan, 2 Va. Cas. 460.

See *supra*, § 1375. As to conspiracy to unduly influence government, and for the invalidity of contract for such purpose, see Whart. on Cr. §§ 402 et seq.

<sup>7</sup> *Supra*, § 1572; State v. Ellis, 33 N. J. L. 102; Walsh v. People, 65 Ill. 88; but see Hutchinson v. State, 36 Tex. 293.

<sup>8</sup> Hutchinson v. State, 36 Tex. 293. See *supra*, § 1572.

<sup>9</sup> Whart. Cr. Pl. & Pr. §§ 338, 381, 729, 966.

"Every one commits the misdemeanor called embracery who, by any means whatever, except the production of evidence and argument in open court, attempts to influence or instruct any juror, or to incline him to be more favorable to the one side than to the other, in any judicial proceeding, whether any verdict is given or not, and whether such verdict, if given, is true or false." Steph. Dig. Cr. L. art. 128. See, also, 1 Hawk. P. C. Curr. ed. 466.

That as embracery is itself an attempt, an attempt to commit embracery is but an attempt at an attempt, see State v. Sales, 2 Nev. 268.

<sup>10</sup> Russell v. Com., 3 Bush, 469.

## PART V. OFFENCES ON THE HIGH SEAS.

### CHAPTER XLIII.

#### PIRACY.

##### I. DEFINITION.

Piracy is robbery on the high seas,  
§ 1860.

May be committed by foreigners or  
by citizens, § 1861.

##### II. JURISDICTION.

United States have jurisdiction  
over vessels without national  
character, and over citizens on  
board foreign vessels, § 1862.

##### III. WHAT IS COMPLICITY.

All aiding are principals, § 1863.

##### IV. PRIVATEERING.

Privateers are not internationally  
pirates, § 1864.

##### V. INTENT.

Intent must be felonious, § 1865.

##### VI. BELLIGERENTS.

Belligerents are not pirates, § 1866.

##### VII. INDICTMENT.

Venue must be in admiralty, §  
1867.

Count for larceny may be joined,  
§ 1868.

Proper technical averments to be  
made, § 1869.

##### I. DEFINITION.

§ 1860. PIRACY is an offence by the law of nations, and as such is an indictable offence by the English common law, although it was not regarded as a felony in that law.<sup>1</sup> Piracy is robbery at sea. By statutes, however, enacted at a period so remote as to anticipate common law rulings, piracy has been made a felony. Under these statutes it is such robbery or depredation upon the high seas, as if committed upon land, would have amounted to felony;<sup>2</sup> while a pirate is one who roves the sea in an armed vessel,

<sup>1</sup> Whart. Com. on Am. Law, §§ 200, 452; U. S. v. Smith, 5 Wheat. 153, 161; U. S. v. Pirates, *Ibid.* 184. See a learned and comprehensive note to U. S. v. Smith, 5 Wheat. 163-180, which is now known to have been written by Mr. Justice Story, who delivered the opinion of the court in that case. 1 Story's Life of Story, 283; U. S. v. Palmer, 3 Wheat. 610; R. v. Morphas, 1 Saik. 85.

<sup>2</sup> This, however, is defective, from the inadequacy of the term "felony." Mere larceny on the high seas does not make piracy, though robbery does.

without a commission from any State, upon his own authority, for the purpose of seizing by force and appropriating any vessel he may meet.<sup>1</sup> Piracy, therefore, is robbery within the jurisdiction of the admiralty.<sup>2</sup>

The German and French authorities concur substantially in this view. By them piracy (Seeraub, or Sea Robbery, Piraterie) consists, by the law of nations, in an attack, in the nature of robbery as distinguished from larceny, by an uncommissioned vessel of war on trading vessels on the high seas. Whether there must be the *lucr<sup>i</sup> causa* was originally doubted; though now by the more recent jurists this element is held not necessary.<sup>3</sup>

By the Constitution of the United States Congress has power "to define and punish piracies and felonies on the high seas and offences against the law of nations."<sup>4</sup> Under the 9th section of the Act of 1790, by which piracy is made punishable by death, no definition is given, though the offence is made capital. Under this statute it has been held not to be necessary to prove that there was application of physical force,<sup>5</sup> though the *animus furandi* is said to be essential.<sup>6</sup>

The Revised Statutes give no definition; it being simply declared that "Every person who on the high seas commits the crime of piracy, as defined by the law of nations, and is afterwards brought into or found in the United States, shall suffer death."<sup>7</sup>

§ 1861. Piracy is extended in England to the following cases:—

*May be* (1) When a subject of her majesty commits any act committed of hostility or robbery against others, her majesty's subjects, on the sea, or in any place where the admiral has as citizens jurisdiction, under color of any commission from any foreign prince or State, whether such prince or State is at war with her majesty or not, or under any pretence of authority from any person whatever; or,

<sup>1</sup> U. S. v. Baker, 5 Blatch. 6. See, also, Davison v. Sealskins, 2 Paine, 200.

<sup>2</sup> Atty.-Gen. v. Kivok-a-Sing, L. R. 5 P. C. 180. See Judge Nelson's Opinion in the trial of the Savannah Pirates, Pamph. N. Y.

<sup>3</sup> Hefter. Völkerr, § 104; Broglie, Sur la piraterie, in his works, iii. 335.

<sup>4</sup> Malek Adhel, in re, 2 How. 210; U. S. v. Tully, 1 Gall. 247.

<sup>5</sup> U. S. v. Furlong, 5 Wheat. 183; U. S. v. Riddle, 4 Wash. C. C. 644.

<sup>6</sup> U. S. Rev. Stat. § 5368.

(2) Being a subject of her majesty, during any war is in any way adherent to or gives aid or comfort to her majesty's enemies upon the sea, or in any place where the admiral has jurisdiction; or,

(3) Belonging to any ship or vessel whatever (whether he is the subject of her majesty or not), upon meeting any British merchant ship or vessel on the sea, or in any place where the admiral has jurisdiction, enters into such British ship or vessel, and though he does not seize or carry off such ship or vessel, throws overboard or destroys any part of the goods belonging to it; or,

(4) Being on board any British ship in any place where the admiral has jurisdiction,—

Turns pirate, enemy, or rebel, and piratically runs away with the ship, or any boat, ordnance, ammunition, or goods; or,

Yields them up voluntarily to any pirate; or,

Brings any seducing message from any pirate, enemy, or rebel; or,

Counsels or procures any person to yield up or run away with any ship, goods, or merchandise, or to turn pirate, or to go over to pirates; or,

Lays violent hands on the commander of any such ship in order to prevent him from fighting in defence of his ship and goods; or,

Confines the master or commander of any such ship; or,

Makes or endeavors to make a revolt in the ship; or,

(5) Being a subject of her majesty in any part of the world, or (whether a subject or not) being in any part of her majesty's dominions, or on board a British ship, knowingly

Furnishes any pirate with any ammunition or stores of any kind; or,

Fits out any ship or vessel with a design to trade with or supply or correspond with any pirate; or,

Conspires or corresponds with any pirate.<sup>1</sup>

<sup>1</sup> The above is a codification of the law in this relation as given by the English Commissioners in their Draft Code of 1879.

The Commissioners do not define piracy by the law of nations, simply declaring it a crime.

In this respect, therefore, apart from the specifications given above, the English legislation stands on the same footing as our own.

Sir J. F. Stephen summarizes the law as follows:—

"Taking a ship on the high seas, or within the jurisdiction of the lord high admiral, from the possession or con-

## II. JURISDICTION.

**§ 1862.** The United States courts have jurisdiction<sup>1</sup> of murder or robbery committed on the high seas, although not committed on board a vessel belonging to citizens of the United States; as when she had no national character,

trot of those who are lawfully entitled to it, and carrying away the ship itself, or any of its goods, tackle, apparel, or furniture, under circumstances which would have amounted to robbery if the act had been done within the body of an English county," is piracy by the law of nations. Steph. Dig. Cr. L. art. 104.

"It is doubtful whether persons cruising in armed vessels, with intent to commit piracies are pirates or not." Ibid.

For the following note I am indebted to Mr. W. B. Lawrence:—

In applying the term "piracy" in the Codes of different countries regard has not always been had to the fact whether the offence described is one against the law of nations, and consequently everywhere justiciable, or a crime for which its nomenclature has been arbitrarily adopted, and which is only cognizable before the municipal tribunals having jurisdiction — territorial, actual, or implied — over the person of the offender. The South American publicist, Bello, says: "The American Congress declared in the year 1790 that every crime committed at sea, which, if committed on land, would be punishable with death, was piracy. Nevertheless, as this law is beyond the definition of the crime by the law of nations, it would not render legal the judgment of the American tribunals over acts committed under the flag of another nation which were not strictly piratical. Principio di legge International, p. 271."

In U. S. v. Furlong, 5 Wheat. 184, it

was ruled by the Supreme Court "that when embarked on a piratical cruise, every individual becomes equally punishable under the law of 1790, whatever may be his national character, or whatever may have been that of the vessel in which he sailed, or of the vessel attacked," modifying U. S. v. Palmer, 3 Wheat. 610; U. S. v. Pintock, 5 Ibid. 152; U. S. v. Pirates, Ibid. 185.

In the case of the Confederate privateersmen tried in the United States Circuit Court at New York, in 1861, it was said by Judge Nelson in his charge to the jury, that "if it were necessary, on the part of the government, to bring the crime charged against the prisoners within the definition of robbery and piracy as known to the common law of nations, there would be great difficulty in so doing, perhaps upon the counts, certainly upon the evidence. For that shows, if anything, an intent to depredate upon the vessels and property of one nation only, the United States, which falls far short of the spirit and intent that are said to constitute essential elements of the crime. But the robbery charged in this case is that which the act of Congress prescribes as a crime, and may be denominated a statute offence, as contradistinguished from that known to the law of nations."<sup>2</sup> It was further held that a privateer commission by a recognized belligerent would be a defense. U. S. v. Baker, 5 Blatch. 6. Trial of Officers of the Savannah, p. 371. See 11 Op. Atty.-Gen. 114.

<sup>1</sup> See U. S. Rev. Stat. § 5318.

but was held by pirates, or persons not lawfully sailing under the flag of any foreign nation.<sup>3</sup> If the offence be committed on board of a foreign vessel by a citizen of the United States,<sup>4</sup> or on board a vessel of the United States by a foreigner, or by a citizen or a foreigner on board a piratical vessel, the offence is cognizable by the

United States courts. And it is said that, in such a case, it makes no matter whether the offence was committed on the vessel or on the sea, as by throwing a person overboard, and drowning him; or shooting him when in the sea.<sup>5</sup> All persons, on board any vessel which throws off its national character, by cruising piratically, are within the act.<sup>6</sup> But it is clear that piracies committed on land, or in the waters over which any particular State of the United States has jurisdiction, are not cognizable, under the act, by the United States courts.<sup>7</sup> The same limitation was adopted, after a careful review of the authorities, by Judge Hopkinson, with the concurrence of his associate, Judge Baldwin.<sup>8</sup> It is true that it was once intimated, under the Acts of 30th April, 1790, §§ 8, 9, and 10; of 15th May, 1820, § 3; and of 3d March, 1825, that acts of piracy, when committed by citizens of a foreign country, in foreign vessels, are not punishable by the United States courts.<sup>9</sup> But the conclusion was finally reached, as we have seen, that persons on board piratical vessels, acknowledging the jurisdiction of no sovereign recognized by the United States, are within the statute.<sup>10</sup> It is otherwise, as will be seen, when the offenders are subjects of a recognized foreign sovereign, under whose flag the vessel sails.

## III. WHAT COMPLICITY CONSTITUTES.

**§ 1863.** No orders from a superior officer will justify a subordinate in the commission of what the latter knows, or ought to know, to be piracy.<sup>11</sup> But the simple fact of aiding and abetting is piracy.<sup>12</sup>

<sup>1</sup> See *supra*, §§ 269 *et seq.*

<sup>2</sup> U. S. v. Peterson, 1 W. & M. 306.

<sup>3</sup> U. S. v. Holmes, 5 Wheat. 412.

See, also, U. S. v. Furlong, U. S. v. Riddle, *supra*.

<sup>4</sup> U. S. v. Furlong, 5 Wheat. 183; U. S. v. Klintock, Ibid. 144; in this respect qualifying U. S. v. Palmer, *supra*.

<sup>5</sup> U. S. v. Holmes, 5 Wheat. 412;

*Ex parte Bollman*, 4 Cranch, 75.

<sup>6</sup> U. S. v. Kessler, 1 Bald. C. C. 20.

<sup>7</sup> U. S. v. Palmer, 3 Wheat. 630; U. S. v. Kessler, 1 Bald. C. C. 20.

<sup>8</sup> U. S. v. Kessler, 1 Bald. C. C. 20.

<sup>9</sup> U. S. v. Klintock, 5 Wheat. 144; U. S. v. Furlong, Ibid. 183; and see U. S. v. Baker, 5 Blatch. 6, where it was held that the Act of 1820 applies to all persons, whether citizens or not.

<sup>10</sup> U. S. v. Jones, 3 Wash. C. C. 209.

presence on board a piratical vessel, where there was no original piratical design, is not *per se* to affect a party with the crime. In order to taint all the officers and crew of a piratical vessel with guilt, the original voyage must have been undertaken with a piratical design, and the officers and crew have known and acted upon such design; otherwise those only are guilty who actively coöperated in the piracy. All who are present, aiding or assisting in the offence, are to be deemed principals.<sup>1</sup> The same distinction applies to presence on board the vessel where the piracy was committed.<sup>2</sup>

A confederacy by citizens of this country, whether on land or on board of an American ship, with such as are pirates by the law of nations, or the surrender of a vessel by a citizen to them, is within the provisions of § 8 of the Act of 1790; and so is any intercourse with pirates calculated to promote their views, or an endeavor by mariner to corrupt the master, so as to induce him to go over to them.<sup>3</sup>

#### IV. PRIVATEERING.

§ 1864. A pirate being *hostis humani generis*, and having utterly forfeited all national character,<sup>4</sup> is lawful spoil to be attacked and captured on the ocean by the public or private ships of every nation;<sup>5</sup> nor do our courts recognize an exception to this rule, so far as concerns attacks on nations at peace with the United States, in favor of citizens of the United States fitting out in United States ports and navigating privateers under a foreign commission.<sup>6</sup> But to convict such of piracy, it must be proved not only that they participated in the taking of property not liable to capture, but that they did it feloniously.<sup>7</sup> And privateers, by the law of nations, are not pirates so far as concerns hostile acts against an enemy's vessels, or *bond fide* against neutral

<sup>1</sup> U. S. v. Gibert, 2 Sumner, 19.

U. S. v. Jones, 3 Wash. C. C. 209.

<sup>2</sup> U. S. v. Jones, 3 Wash. C. C. 209.

*Cf.* U. S. v. Baker, 5 Blatch. 6; U. S.

<sup>3</sup> U. S. v. Howard, 3 Wash. C. C.

v. Bass, 4 City Hall Rec. 161; U. S. v.

340.

Greathouse, 2 Abb. U. S. 364; and

cases cited *supra*, § 1799. See, as modi-

fying this view, Whart. Com. Am. Law,

4 U. S. v. Furlong, 5 Wheat. 184.

§ 201; *supra*, § 1861.

<sup>5</sup> The Marianna Flora, 11 Ibid. 1.

U. S. v. Furlong, 5 Wheat. 184.

As to how far this conclusion rests on

the peculiar terms of the Act of 1790,

see argument of Washington, J., in

7 U. S. v. Jones, 3 Wash. C. C. 209;

U. S. v. Baker, 5 Blatch. 6.

trading ships. *Jedenfalls können die von gültig bestellten Kapern verübten, gegen feindliche oder bond fide gegen neutrale Handelschiffe begangenen, Gewaltacte nicht als Seeraub betrachtet werden.*<sup>1</sup>

#### V. INTENT.

§ 1865. An attack by an armed merchantman upon an American vessel, with intent to cripple or destroy her, made with no piratical purpose, but upon a mistaken idea that she was a pirate, is not a piratical aggression under the Act of 1819; nor is it a case of hostile aggression for which the property taken *in delicto* is subject to confiscation by the law of nations.<sup>2</sup> If the act be done under an honest but mistaken sense of duty, it is not piracy.<sup>3</sup>

Intent  
must be  
felonious.

#### VI. BELLIGERENTS.

§ 1866. According to the views already expressed, an armed vessel cannot be treated as a pirate when acting under a commission from a State acknowledged as a belligerent by the prosecuting State;<sup>4</sup> and this applies to armed vessels of insurgents, when such insurgents are recognized as belligerents by the party prosecuting, whether such party prosecuting be a foreign State<sup>5</sup> or the State against whom they are in insurrection.<sup>6</sup>

Belligerents  
are not  
pirates.

#### VII. INDICTMENT.

§ 1867. The *venue* is sufficiently laid in the indictment as "on the high seas, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State."<sup>7</sup>

Venue  
must be in  
admiralty.

<sup>1</sup> Whart. Com. Am. Law, § 201; Holtzendorff, Rechts-lexicon, ii. 449. This was conceded by our government in the late civil war, when it sought to make privateering piracy by treaty. The abandonment of the prosecution of Semmes was afterwards put on the express ground that privateering by a belligerent is not piracy by our law. Mr. Bolles, solicitor of the navy, in Atlantic Monthly, July, 1872; S. P., U. S. v. Baker, 5 Blatch. 13, Nelson, J. *Supra*, § 1799.

<sup>2</sup> Marianna Flora, 11 Wheat. 1.

<sup>3</sup> U. S. v. Ruggles, 5 Mason, 192.

<sup>4</sup> *Supra*, §§ 1799, 1864. See U. S. v. Baker, *ut sup.* As to distinction between martial and military law see Whart. Cr. Pl. & Pr. § 979.

<sup>5</sup> R. v. Tivnan, 5 B. & S. 645; cited at large in Whart. Conf. of L. § 956.

<sup>6</sup> See this position with its qualifications illustrated *supra*, § 1799.

<sup>7</sup> U. S. v. Gibert, 2 Sumner, 19; U. S. v. Jones, *ut supra*.

Count for  
larceny  
may be  
joined.

§ 1868. Where one count charges the prisoner with piracy in piratically running away with his ship's cargo, and the other with larceny of the same cargo, and the verdict is, guilty of the last count only, judgment will not be arrested.<sup>1</sup>

Proper technical averments to be made.

§ 1869. In an indictment for a piratical murder (under the Act of the 30th April, 1790, c. 36, § 8), it is not necessary that it should allege the prisoner to be a citizen of the United States, or that the crime was committed on board a vessel belonging to citizens of the United States; but it is sufficient to charge it as committed from on board such a vessel, by a mariner sailing on board such a vessel.<sup>2</sup>

An indictment for manslaughter on the high seas, charging that the prisoner committed it, first, by casting A. B. from a vessel, etc., whose name was unknown; and second, by casting him from the long-boat of the ship W. B., etc., is sufficiently certain.<sup>3</sup>

The character of the technical averments in piracy has been elsewhere considered.<sup>4</sup>

<sup>1</sup> U. S. Peterson, 1 Wood. & M. 306; <sup>2</sup> U. S. v. Holmes, 1 Wall. Jr. 1. See U. S. v. Stetson, 3 Ibid. 164. Whart. *supra*, § 511.

Cr. Pl. & Pr. §§ 285 *et seq.* <sup>4</sup> Whart. Cr. Pl. & Pr. § 268.

<sup>3</sup> U. S. v. Furlong, 5 Wheat. 163; Curtis on Merchant Seamen, 120.

## CHAPTER XLIV.

## MALTREATMENT OF CREW.

## I. WHO ARE CREW.

"Crew" includes all seamen except master, § 1871.

## II. POWER OF OFFICERS.

Master has power of corporal punishment by maritime law, § 1872. Otherwise under statute, § 1873.

## I. WHO ARE CREW.

§ 1871. By the word "crew," in the Revised Statutes, is meant all the officers and common seamen, except the master; and the offence therein described may be committed upon the first mate.<sup>1</sup>

Crew includes all seamen except master.

## II. POWER OF OFFICERS.

§ 1872. By the maritime law the master has authority, apart from statute, to punish corporally and summarily the negligence or misconduct of his men.<sup>2</sup> Of his own discretion, no mate or subordinate officer has any right to punish a seaman, and if the master, being present, tacitly consent thereto, he becomes responsible for it; but in the master's absence, the next highest officer succeeding him is clothed with all his authority.<sup>3</sup> Every exception to this general principle must, however, be made in favor of those cases where prompt and instantaneous action is demanded of the mate or other officers by the necessities of the case, as to subdue mutinous or flagrant disorders,<sup>4</sup> though the punishment must always be reasonable, and not with instruments unlawful for the exigency.<sup>5</sup> Where the necessity actually existed, however, the quantum of punishment will, by maritime law, not be too nicely measured in the court.<sup>6</sup>

Master has power of corporal punishment by maritime law.

<sup>1</sup> U. S. v. Winn, 3 Sumner, 209. See Rev. Stat. U. S. § 5347.

<sup>2</sup> Bangs v. Little, Ware, 506; U. S. v. Hunt, 2 Story, 120; Turner's Case, Ware, 83.

<sup>3</sup> U. S. Taylor, 2 Sumner, 584.

<sup>4</sup> U. S. v. Hunt, 2 Story, 120.

<sup>5</sup> Carlton v. Davis, Davies, 221.

<sup>6</sup> It has been said that a master occupies to his crew a position resembling

Otherwise under statute. § 1873. The act abolishing the punishment of flogging in the navy, and in vessels of commerce, is not a penal law, and no indictment can be framed upon it. It applies to whaling ships, which are "vessels of commerce," within the meaning of the act.<sup>1</sup> It prohibits corporal punishment by stripes, inflicted with a cat, and any punishment which in substance and effect amounts thereto.<sup>2</sup> The degree of such punishment

that of a parent to a child, or a master to an apprentice. U. S. v. Freeman, 4 Mason, 511; Fuller v. Colby, 3 Wood. & M. 13; Bangs v. Little, Ware, 506. See *supra*, § 634. He has a right to respectful demeanor as well as obedience. U. S. v. Smith, 3 Wash. C. C. 525. But this right would be fruitless, unless he is justified in enforcing it, when virtually denied, by reasonable punishment inflicted by himself. U. S. v. Freeman, 4 Mason, 511; Thorn v. White, 1 Pet. Adm. 171. He may chastise corporally as well as confine, when treated impertinently, or disobeyed. Michaelson v. Denison, 3 Day, 294; Thompson v. Busch, 4 Wash. C. C. 340. But he must not punish for mere private immorality if the offender conducted himself properly as a seaman. Bangs v. Little, *ut supra*. Nor must he chastise excessively or indecently, even for offences committed by the seaman distinctively as such. Cushman v. Ryan, 1 Story, 101. He may use, apart from statute, such weapons as are suitable and needful to compel obedience. Michaelson v. Denison, 3 Day, 295; Thorn v. White, 1 Pet. Adm. 118; U. S. v. Smith, 3 Wash. C. C. 526; Butler v. McLellan, Ware, 223; Curtis on Adm. 88, 90; keeping in mind, however, that weapons, and especially deadly weapons, should be used only to prevent future or impending, and not to punish past, disobedience. Schelter v. Yorke, Crabbe, 449.

For impudent conduct or language, a master may box a mariner's ears, with-

<sup>1</sup> U. S. v. Cutler, 1 Curtis C. C. 502.

<sup>2</sup> Ibid.

is not material; it is the kind of punishment which is alone to be considered.<sup>1</sup>

<sup>1</sup> Ibid.

It is a question of fact for the jury, whether the punishment inflicted was, in substance and effect, the punishment of flogging. U. S. v. Cutler, 1 Curtis C. C. 502.

Subsequently to the Act of 1850, if it appear the punishment inflicted was flogging, this is an indictable offence, if malicious and without justifiable cause. But it is incumbent on the government to prove, not only that the

act was without justifiable cause, but that it was malicious, and that it was a wilful departure from a known duty. If the master knew that his act was illegal, it was malicious, in the sense of the Act of 1835. U. S. v. Cutler, 1 Curtis C. C. 502.

Under the Act of 1850, the officer should be indicted, not for cruel or unusual punishment, but for beating or wounding the seaman. U. S. v. Collings, 2 Curtis C. C. 194.

## CHAPTER XLV.

REVOLT, AND ENDEAVORING TO MAKE REVOLT.<sup>1</sup>

## I. IN WHAT REVOLT CONSISTS.

Revolt consists in usurpation of ship, § 1876.

Under Act of 1835, intimidation must be effective, § 1877.

To the endeavor to revolt some overt act is necessary, § 1878.

Necessity is a defence, § 1879.

## II. INDICTMENT.

Indictment must particularize offence, § 1880.

## III. CONFINING MASTER.

Confinement must be malicious and real, § 1881.

Necessity or self-defence may be a defence, § 1882.

## I. IN WHAT REVOLT CONSISTS.

**§ 1876.** THE Crimes Act of 1790, c. 36, § 12, not defining the offence of endeavoring to make a revolt, the courts took Revolt consists in usurpation of ship. an early opportunity to give a judicial definition of it, and this definition was subsequently adopted by the Act of 1835, and in the Revised Statutes.<sup>2</sup> A revolt is a usurpation of the authority and command of the ship, and an overthrow of that of the master or commanding officer. Any conspiracy to accomplish such an object, or to resist a lawful command of the master for such purpose, or any endeavor to stir up others of the crew to such resistance, is an endeavor to commit a revolt.<sup>3</sup> And under the term crew are included all officers inferior to the master.<sup>4</sup>

<sup>1</sup> There are various other offences for whose commission on the high seas the law has made special provisions; but they are more properly referred to other heads. *Vide* the preceding chapters upon Homicide, Rape, Mayhem, Assault, Burglary, Arson, Larceny, Receiving Stolen Goods, Embezzlement, and Malicious Mischief.

<sup>2</sup> Rev. St. U. S. §§ 5359, 5360.

<sup>3</sup> U. S. v. Hemmer, 4 Mason, 105; Where the crew of a vessel by their overt acts entirely overthrow the au-

<sup>4</sup> U. S. v. Huff, 4 Crim. Law Mag. 36; U. S. v. Savage, *ut sup.*

## CHAP. XLV.] REVOLT: ENDEAVORING TO MAKE REVOLT. [§ 1877.

§ 1877. The act of 1835 (incorporated with the original section of the Crimes Act, in §§ 5359, 5360, of the Revised Statutes) defines "a revolt" to consist (1) in usurping from the master the ship's command, or (2) depriving him of authority, or (3) resisting him, or (4) transferring the command to one not entitled to it. And it specifies as indictable, conspiracies and solicitations to revolt, and riotous conduct on board.<sup>1</sup> A master is prevented in the free and lawful execution of his authority, within the meaning of the Act of 1835,<sup>2</sup> if he be prevented from carrying into effect any lawful command. But a mere combination on the part of the crew for their own supposed security is not necessarily unlawful. If, from the improper conduct of the captain, the crew have good reason to believe, and do believe, that they will be subjected to unlawful and cruel or oppressive treatment, or that a great wrong is about to be inflicted on one of their number, they have a right to take reasonable measures for his or their own protection. What would be reasonable measures must depend upon the nature and extent of the wrong, and upon the means of prevention, having regard to the importance of preserving

thority of the master in the free management of the ship, and the free exercise of his rights and duties on board, it is a revolt. U. S. v. Forbes, Crabb, 558.

A combination by the crew to prevent the vessel going to sea, against the order of the master, is an attempt to commit a revolt. U. S. v. Nye, 2 Curtis C. C. 225.

"An endeavor to make a revolt," said Judge Story on a trial when sitting as circuit judge, "within the act, is an endeavor to excite the crew to overthrow the lawful authority and command of the master and officers of the ship. It is, in effect, an endeavor to make a mutiny among the crew of the ship." U. S. v. Smith, 1 Mason, 147. Mere insolent conduct to the master, disobedience of orders, or violence committed to the person of the master, unaccompanied by other acts

showing an intention to subvert his command as master, is not sufficient. Mere conspiracy of the crew to displace the master, unaccompanied by overt acts, is not sufficient. Neither is concert among the crew to that event essential to constitute the offence. U. S. v. Kelly, 4 Wash. C. C. 528. The offence of revolt, or endeavoring to make a revolt, may be committed in any kind of a vessel. Ibid. One who joins in the general conspiracy, and by his presence countenances acts of violence, but who does not individually use force or threats to compel the master to resign the command of the vessel, is guilty of the offence of confining the master. Ibid.

<sup>1</sup> See analysis in Judge Hammond's opinion in U. S. v. Huff, 4 Crim. Law Mag. 37.

<sup>2</sup> Rev. St. § 5359.

the authority of the master, as well as to the importance of protecting the crew.<sup>1</sup>

§ 1878. To make an endeavor to commit a revolt, under the Act of 1790, there must have been some effort or act to stir up others of the crew to disobedience,<sup>2</sup> and thus to create overt act is a virtual mutiny on board;<sup>3</sup> and where a crew had signed necessary. their articles with a particular master, who for a reasonable cause was removed, and they combined to resist and refuse all duty under his successor, this was held within the statute.<sup>4</sup>

§ 1879. It is a sufficient defence, however, to such an indictment, Necessity is that the endeavor, etc., was to compel the master to a defence. return to port on account of the unseaworthiness of the ship, provided the men acted *bond fide* on reasonable and apparently true grounds; and this whether it be doubtful if the ship were seaworthy or not. If clearly the former, of course the defence fails.<sup>5</sup>

<sup>1</sup> U. S. v. Borden, 21 L. Rep. 100; 1 son, 1 Wood. & M. 309; and under Sprague, 374. *Supra*, § 95.

It is not necessary to prove that the lawful authority, or assembling with others in a mutinous and tumultuous manner, so as to endanger the peace of the vessel, is a crime.

Foreign seaman on board American ships are to be treated by our laws as though of our country; and, so are American seamen put on board at a foreign port by an American consul; Staley, 1 Wood. & M. 338, but a confederacy between two or more of the crew to refuse to do their lawful duty must be shown (U. S. v. Cassidy, 2 Sumner, 582), under the Act of 1835, § 2. It had before been held, that no previous deliberate combination for mutual aid and encouragement, or any preconcerted plan of operation, was necessary to bring it within the Act of 1790, § 12. Rev. Stat. U. S. § 5539; U. S. v. Morrison, 1 Sumner, 448. The interposition of the crew, by force and intimidation, preventing the master's lawful punishment of a seaman (*Ibid.*), or a combination not to do duty, though no further orders were given (U. S. v. Barker, 5 Mason, 404; U. S. v. Gardner, *Ibid.* 402), was within the act. But this offence is now to be considered and punished only as provided for by the Act of March 3, 1835 (Woodbury, J., in U. S. v. Peter-

<sup>2</sup> U. S. v. Savage, 5 Mason, 460; U. S. v. Kelly, 11 Wheat. 417; 4 Wash. C. C. 528.

<sup>3</sup> 1 Mason, 147.

<sup>4</sup> U. S. v. Haines, 5 Mason, 272.

<sup>5</sup> U. S. v. Ashton, 2 Sumner, 13. *Ibid.*, § 1882; *supra*, § 95.

The test of necessity, as thus laid down, is dependent on no particular statute. Nor is the crew's refusal, because of a material deviation from the voyage in their shipping articles, to do duty held to amount to an endeavor to commit a revolt, under the Act of 1835.<sup>1</sup>

## II. INDICTMENT.

§ 1880. An indictment under the Crimes Act, charging that the prisoners "then and there did make a revolt," does not Indictment must particularize revolt: adequately describe the offence; the particulars must be set forth.<sup>2</sup> It is otherwise; however, when the charge is for "endeavoring to make a revolt," when details need not be given.<sup>3</sup>

## III. CONFINING MASTER.

§ 1881. To constitute the offence of confining the captain, the act of confining must be maliciously done.<sup>4</sup> Any such confinement, whether by depriving him of the use of his limbs, or by shutting him in the cabin, or by intimidation preventing him from the free use of every part of the vessel, amounts to a confinement of the master within the 12th section of the Act of 1799.<sup>5</sup> To take hold of the master on the deck, and afterwards present a pistol at his breast in the cabin, thereby preventing his going on deck, is a confinement under the act.<sup>6</sup> Such confinement is not limited merely to a seizure of the master, and preventing the moving of his body, or to locking him up in a particular place, as a cabin or state-room, but extends to all restraints of personal liberty in freely going about the ship, or in the discharge of his duties, by present force or threats of bodily injury.<sup>7</sup> If the master of a vessel be restrained from performing his

<sup>1</sup> U. S. Matthews, 2 Sumner, 476.

<sup>2</sup> U. S. v. Almeida (D. C. U. S.), Whart. Proc. 1061, 1062.

<sup>3</sup> U. S. v. Bladen, 1 Pet. C. C. 213; U. S. v. Smith, 3 Wash. C. C. 525; U.

S. v. Kelly, 4 *Ibid.* C. C. 528; 11 Wheat. 417; U. S. v. Smith, 1 Mason,

147; U. S. v. Hamilton, *Ibid.* 433; U. S. v. Keefe, 3 *Ibid.* 475; U. S. v. Hemmer,

4 *Ibid.* 105; U. S. v. Haines, 5 *Ibid.* 272; U. S. v. Gardner, *Ibid.* 402; U. S. v. Barker, *Ibid.* 404; U. S. v. Savage, *Ibid.* 460; U. S. v. Thompson, 1 Sum-

ner, 168; U. S. v. Morrison, *Ibid.* 448;

U. S. v. Ashton, 2 *Ibid.* 13; U. S. v. Cassidy, *Ibid.* 582; U. S. v. Rogers, 3 *Ibid.* 342; U. S. v. Seagrast, 4 Blatch. 420.

<sup>4</sup> U. S. v. Henry, 4 Wash. C. C. 428.

<sup>5</sup> U. S. v. Sharp, 1 Pet. C. C. 118. See Rev. Stat. U. S. § 5539.

<sup>6</sup> U. S. v. Stevens, 4 Wash. C. C. 548.

<sup>7</sup> U. S. v. Hemmer, 4 Mason, 105. See U. S. v. Huff, 4 Cr. Law Mag. 36; U. S. v. Sharp, *ut sup.*; U. S. v. Smith, *ut sup.*, 1 Russ. on Cr. 93; 3 Archbold's

duties by such mutinous conduct in his crew as would reasonably intimidate a firm man, this is a confinement within the meaning of the act of Congress.<sup>1</sup> The fact that the master went armed to every part of the ship, if it were necessary for his safety that he should protect himself, will not vary the case.<sup>2</sup> Seizing the person of the master, although the restraint be but momentary, is a confinement prohibited by law; and such conduct is not excused or justified by a previous battery on the seaman, to enforce a command which the seaman ought to have obeyed.<sup>3</sup> It is sufficient that there is a personal seizure or restraint of the master, although it may be for the purpose of inflicting personal chastisement.<sup>4</sup>

Cr. Pl. (Waterman's ed.) 485; R. v. McGregor, 1 C. & K. 429; R. v. Hastings, 1 Moody, 82; R. v. Jones, 11 Cox C. C. 393.

The offence, if committed within the mouth of a foreign river which is a mile and a half wide, is within the act of Congress. U. S. v. Smith, 3 Wash. C. C. 525; Whart. Com. Am. Law, §§ 200, 452.

<sup>1</sup> U. S. v. Bladen, 1 Pet. C. C. 213.

<sup>2</sup> Ibid.

<sup>3</sup> U. S. v. Bladen, 1 Pet. C. C. 213; U. S. v. Savage, 5 Mason, 460.

<sup>4</sup> Ibid. "The offence of confining the master," says Mr. Curtis (*Rights and Duties of Merchant Seamen*, 124), "is not limited to mere personal restraint by seizing him and preventing the free movements of his body, nor to imprisonment in any specific place. It is equally a confinement within the act to prevent him from free movement about the ship, by force or intimidation, as by limiting him to walking on a particular part of the deck, by terror of bodily injury, or by present force. If he is surrounded and prevented from moving where he pleases, according to his rights and duties as a master, under the threats of force; or if he is restrained from going to any part of the ship by an avowed determination of the crew, or any part of them, to resist him

and to employ adequate force to prevent it, these fall within the meaning of confinement. So, to, if the master is prevented from performing the duties of his station by such mutinous conduct of his crew as would reasonably intimidate a firm man, it is confinement; and if he is compelled to go armed about the ship from a reasonable fear for his own safety, although not actually molested, it is a confinement. So, too, seizing the person of the master, though but for a minute or two; and seizing him, though only temporarily and for the purpose of inflicting upon him personal chastisement, are within the meaning of the act. But the restraint, whether moral or physical, must be an illegal restraint.

"If the master is about to do an illegal act, and especially a felony, a seaman may lawfully confine or restrain him. So a seaman may confine the master in justifiable self-defence. If the master assault him without cause, he may restrain the master so long and with so much force as are necessary for this purpose. And if he is suddenly seized by the master, and without any intention of restraining him of his liberty, from the mere impulse of nature, he seizes hold of the master to prevent any injury, for an instant only, and as soon as he may he withdraws

§ 1882. A master of a vessel may so conduct himself as to justify the officers and crew in placing restraints upon him, <sup>Necessity or self-defence may be a defence.</sup> to prevent his committing acts which might endanger the lives of all on board; but an excuse of this kind must be listened to with great caution, and such measures should cease whenever the occasion for them ceases. To continue the confinement after the necessity is over is a new and indictable imprisonment.<sup>1</sup>

the restraint, so that the act may fairly be deemed involuntary, it might not, perhaps, be deemed an offence within the act, even though the seizing by the master be strictly justifiable; for the will must co-operate with the deed. But if the seizing by the master be justifiable, and he does not exceed the chastisement which he is by law entitled to inflict, then the seaman cannot restrain him, but is bound to submit; and if he does hold the master in personal confinement or restraint, it is an offence within the statute."<sup>2</sup>

<sup>1</sup> Ibid. See 1 Wh. Dig. 5th ed. 578. <sup>Supra</sup>, §§ 95 et seq.

## CHAPTER XLVI.

## FORCING OR LEAVING SEAMEN ON SHORE.

Statute covers all the crew, § 1885.  
Obstinate refusal to obey is justifiable cause, § 1886.

Desertion is a defence to leaving behind, § 1887.

§ 1885. FORCING a seaman on shore is a crime which, though strictly speaking not an offence upon the high seas, covers all partakes so much of the nature of it, being virtually a maltreatment out of the jurisdiction of any State of the United States, and cognizable in the same courts as have jurisdiction over the present class of offences, that it may not be out of place to consider it here.<sup>1</sup> It will be seen that the statute does not leave it to judicial construction to include any inferior officer within its scope, but specially provides for such a contingency; and it has been held that it applies equally to officers or seamen in American ships, who are or are not citizens, or who are foreigners, provided they are not subjects of a State which by treaty prohibits the employment in its vessels, public or private, of citizens of the United States.<sup>2</sup> The act refers to such persons as the master "carried out" with him, and the "home" is the home port of the ship for the voyage.

§ 1886. Not every sufficient cause to *discharge* a seaman in a foreign port is a "justifiable cause" in the sense of this act.<sup>3</sup> It must be such a cause as renders the forcing him on shore necessary to prevent the jeopardizing the safety of the officers or crew, or the due performance of the voyage, or the regular enforcement of the ship's discipline; and the *onus probandi* is on the master to prove such a cause. If a seaman, on being injured by a flogging and incapacitated to do duty, refuses

<sup>1</sup> See Rev. Stat. U. S. § 5363.

<sup>2</sup> Story, J., in U. S. v. Coffin, 1 Sumner, 399, and 307; U. S. v. Riddle, 4 Wash. 644.

<sup>3</sup> U. S. v. Coffin, *ut supra*. The ship must have a national type. E. v. Dannett, 1 C. & R. 425; R. v. Bjornsen, son, 192; U. S. v. Netcher, 1 Story, L. & C. 545; R. v. Seberg, L. R. 1 C. 307; U. S. v. Riddle, 4 Wash. 644. C. B. 264.

## CHAP. XLVI.] FORCING OR LEAVING SEAMEN ON SHORE. [§ 1887.

to do any more work, this is not a justifiable cause; if, on the contrary, he be able, and his refusal be from obstinacy and malice in order to revenge himself, and to destroy the ship's discipline and incite others of the crew to disobedience, it is sufficient cause. But the jury may infer "malice" on the master's part from the fact of forcing on shore, until the contrary is shown; "maliciously" meaning all acts wilfully or wantonly done against what any one of reasonable capacity must know to be his duty.<sup>1</sup>

§ 1887. Three separate offences are included in the statute:—

I. Maliciously and without justifiable cause forcing an officer or mariner ashore in a foreign port.

II. Maliciously and without justifiable cause leaving any officer or mariner behind in a foreign port.

III. Maliciously and without justifiable cause refusing to bring home again all the officers and mariners of the ship who are in a condition to return and willing to return.

The words "in a condition to return and willing to return" apply only to the third class; they are not requisite to make out the offence in the second or first.<sup>2</sup> But it does not follow that because a seaman is left behind, it is necessarily an offence within this act. An unauthorized absence of the man for forty-eight hours has been declared to amount to desertion; and an unauthorized absence has been held to be a defence to the master in cases when the seaman's return, within forty-eight hours, has been anticipated by the sailing of the ship.<sup>3</sup> The words "maliciously and without probable cause" must always qualify and interpret the master's conduct.

<sup>1</sup> U. S. v. Coffin, 1 Sumner, 399, and R. v. Dunnett, 1 C. & K. 425), unless for legal cause,—such as continued misconduct, or some aggravated outbreak or offence. Smith v. Treat, Davies, 266. Law Rep. 683.

If it be alleged as a justifiable cause, that the man was dangerous, it must be shown that a man of ordinary firmness would have been affected by his conduct. The Nimrod, 1 Ware, 9. The policy of the law is against the discharge of seamen in foreign parts (Hutchinson v. Coombs, 1 Ware, 65; Buck v. Lane, 12 S. & R. 266.

<sup>2</sup> U. S. v. Netcher, 1 Story, 307.  
<sup>3</sup> Coffin v. Jenkins, 3 Story, 108.

## CHAPTER XLVII.

## ENGAGING IN SLAVE-TRADE.

Persons having no power or interest in the enterprise not responsible, § 1889.	Indictment must conform to statute, § 1891.
Complicity to be shown inferentially, § 1890.	Offence based exclusively on statute, § 1892.

Persons having no interest in or power over the negroes transported, so as to impress upon them the character of slaves, and is only employed in the transportation of them for hire from port to port, does not fall within the prohibitions of the Act of 1820.<sup>1</sup>

§ 1890. Complicity in the alleged act may be established inferentially. Thus on an indictment under the Act of April, 1818, against the owner of a slave-ship, the declarations of the master, being a part of the *res gestae* connected with acts in furtherance of the voyage, and within the scope of his authority, as agent of the owner, in the conduct of the guilty enterprise, are admissible in evidence against the owner.<sup>2</sup> Evidence, also, on an indictment against the owner, under the Act of April 20, 1818, charging him with fitting out the ship, with intent to employ her in the illegal voyage, is admissible to show that he commanded, authorized, and superintended the outfit, through the instrumentality of his agents, without being personally present.<sup>3</sup>

<sup>1</sup> U. S. v. Battiste, 2 Sumner, 240. For recent statutes see Rev. Stat. U. S. §§ 5376 *et seq.*

<sup>2</sup> U. S. v. Gooding, 12 Wheat. 460.

<sup>3</sup> Ibid.

There are various circumstances which will be received to show that a master of a vessel is guilty of participating in the offence of engaging in the slave trade, however artfully he may contrive to present clean hands, and

to evade the responsibility of his conduct. Thus, though a freighting voyage of an American vessel, owned and commanded by citizens of this country, from the United States to Rio Janeiro, with orders to the consignee to sell her at a limited price, or to let her for freight, be so far, *prima facie* legal; and though she is chartered by the consignee for a certain time at a reasonable rate, to a Brazilian, with orders

It is enough to show that the defendant was engaged in procuring negroes for slavery. It is not essential that they should have been transported under his care.<sup>1</sup>

§ 1891. The indictment need not specify the particulars of the fitting out; it is sufficient to allege the offence in the words of the statute.<sup>2</sup> Nor is it necessary that there should be any principal offender whom the defendant might be aiding and abetting. These terms in the statute do not refer to the relation of principal and accessory in cases of felony; both the actor and he who aids and abets the act are considered as principals.<sup>3</sup> It is necessary that the indictment should aver that the vessel was built, fitted out, etc., or caused to sail, or be sent away, within the jurisdiction of the United States.<sup>4</sup> An averment that the ship was fitted out, etc., "with intent that the said vessel should be employed" in the slave-trade, is fatally defective, the words of the statute being "with intent to employ" the vessel in the slave-trade, and exclusively referring to the intent of the party doing the act.<sup>5</sup>

Indictment must conform to statute.

to carry no illegal goods, or persons not free, and she proceeds on a voyage to the coast of Africa, laden with rum, cottons, gunpowder, iron bars, brass rings, etc. (such goods as are in demand there, in exchanging for the usual products of that country), the owner of the cargo going with it; yet, nevertheless, this may be rebutted by proof that the full intent and purpose of the voyage was not to exchange this cargo for gold-dust, palm-oil, or any other leading articles of traffic, but for slaves, to be embarked for the Brazils in other vessels; and if the master stand by and see this exchange and embarkation made, and knowingly has brought the cargo's owner and others interested in the slave-trade thither, these are fair circumstances for a jury to infer his own guilt. U. S. v. Libby, 1 Wood. & M. 221. See People v. Hopson, 1 Denio, 574.

If the offence be alleged in the indictment to be on a day now past, and on divers days and times before and since that day, this allegation is sufficient. U. S. v. La Coste, 2 Mason, 129.

It is not necessary to allege that the negroes, etc., were to be transported to the United States or their territories; or that they were free and not bound to service; or that the defendant was a citizen or resident within the United

The offence of sailing from a port, with intent to engage in the slave-trade, is not committed, unless the vessel sails out of the port.<sup>1</sup>

One of the phrases in the statute used being "persons of color," it is sufficient in the indictment to use the same words, without more definite specifications of the meaning of the words.<sup>2</sup>

**§ 1892.** The illegality of the slave-trade arises from the federal legislation upon the subject, and not from its supposed Offence based exclusively on violation of the law of nations.. Although it is now prohibited by the laws of civilized nations generally, it may

be still lawfully carried on by the subjects of those States who have not prohibited it by municipal acts and treaties. It is not piracy unless made so by the treaties or statutes of the nation to which the party belongs.<sup>3</sup> It is true that it was at one time held in one of the United States Circuit Courts, and maintained very learnedly, that this traffic was a violation of the law of nations,<sup>4</sup> but this was overruled by the Supreme Court,<sup>5</sup> and that case, and the decisions of Lord Stowell,<sup>6</sup> and Bailey, J., and Best, J.,<sup>7</sup> in England, have been considered as settling the question. How far these rulings are overturned by the recent abolition of slavery has not yet been judicially determined.<sup>8</sup> But the question, so far as it municipally concerns England and the United States, is of no moment, since by both of those powers the slave-trade is made piracy. It is also made piracy by the treaty of 1841 between England, Austria, Prussia, and Russia.

States, or that the offence was committed on board of an American vessel. It is sufficient if the indictment follow, in this respect, the language of the statute, and be as certain. *Ibid.*

The offence under the 7th section of the Act of 2d of March, 1807, is not that of importing or bringing into the United States persons of color, with intent to hold or sell such persons as slaves, but that of hovering on the coast of the United States with such intent; and although it forfeits the vessel and any goods or effects found on board, it is silent as to disposing of the colored persons found on board, any further than to impose a duty upon the officers of armed vessels, who make

the capture, to keep them safely, to be delivered to the overseer of the poor, or the governor of the State, or persons appointed by the respective States to receive the same. *U. S. v. Preston*, 3 Peters, 57.

<sup>1</sup> *U. S. v. La Coste*, 2 Mason, 129.

<sup>2</sup> *Ibid.*

<sup>3</sup> *U. S. v. Corrie*, 1 Brunf. U. S. 686.

<sup>4</sup> *U. S. v. La Jeune Eugenie*, 2 Mason, 409.

<sup>5</sup> *The Antelope*, 10 Wheat. 66, per Marshall, C. J.

<sup>6</sup> *Le Louis*, 2 Dodson, 210.

<sup>7</sup> *Madrazo v. Willes*, 3 B. & Ald. 353.

<sup>8</sup> See Whart. Compl. of L., Introduction; *R. v. Zulueta*, 1 C. & K. 215.

## CHAPTER XLVIII.

### DESTROYING VESSEL WITH INTENT TO DEFRAUD UNDERWRITERS.

Not necessary to prove charter of company, § 1894. "Destroy" means to unfit for service, § 1896. Combination to be proved inferentially, Intent is material, § 1897.

**§ 1894.** UNDER the federal Act of 1804,<sup>1</sup> on an indictment for destroying a vessel with intent to prejudice the underwriters, it is sufficient to show the existence of an association actually carrying on the business of insurance, by whose known officers *de facto* the policy was executed, and to prejudice whom the vessel insured was destroyed, without proving the existence of a legal corporation authorized to insure, or a compliance on the part of such corporation with the terms of its charter, or the validity of the policy of insurance.<sup>2</sup>

The act applies to our internal as well as to our foreign commerce.<sup>3</sup>

**§ 1895.** Under the Act of 1823, any combination of two or more persons to destroy the vessel or cargo consummates the offence under the law, though in point of fact neither the vessel nor the cargo was at the time insured.<sup>4</sup>

The testimony to show the unlawful combination does not end at the destruction of the boat. After as well as before that event, acts of the confederates completing the fraud may be adduced to show their guilt.<sup>5</sup>

<sup>1</sup> Rev. Stat. U. S. §§ 5364-6.

<sup>2</sup> *U. S. v. Amedy*, 11 Wheat. 392; 6 Cond. Rep. 362. *Supra*, §§ 716, 741, 816. See, however, *U. S. v. Johns*, 1 Wash. C. C. 363; S. C., 4 Dall. 412. The burning of the vessel is not by name punishable under the act of Congress, but it operates as evidence against the defendant. *Ibid.* 514.

<sup>3</sup> *U. S. v. Cole*, 5 McLean, 513. See *Ibid.* 513. See *U. S. v. Lockman*, *U. S. v. Jacobson*, 1 Brunf. (U. S.) 410. 1 Law Rep. (N. S.) 151.

Statutes apply to internal commerce.

Combination to be proved inferentially.

But under the Act of 1844, which does not make it an offence in the owner to destroy his vessel to the prejudice of the underwriters on the cargo, no evidence can be given to establish charges against the defendant for such destruction to the prejudice of the underwriters on the cargo, even if the indictment contain such a charge.<sup>1</sup> Evidence of the value of the property insured may be given, to show inducements to destroy or preserve it.<sup>2</sup>

§ 1896. The meaning of the term "destroy," by the act of Congress, is to unfit the vessel for service beyond the hope of recovery by ordinary means. This, as to the extent of the injury, is synonymous with "cast away." Both mean such an act as causes the vessel to perish and to be lost, or to be irrecoverable by ordinary means.<sup>3</sup>

§ 1897. Under the English statute, where the intent is to prejudice the underwriters, the policy must be proved,<sup>4</sup> and the material sailing of the vessel.<sup>5</sup>

Under our own statutes, the intent is material and must be averred.<sup>6</sup>

The intent may be stated in different ways.<sup>7</sup>

<sup>1</sup> U. S. v. Johns, 1 Wash. C. C. 363.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> E. v. Gilson, R. & R. 138.

<sup>5</sup> Archbold's C. P. 304. As to form of indictment, see Whart. Proc. 575; Ibid. 263. U. S. v. Vanranst, 3 Wash. C. C. 146.

640

<sup>6</sup> U. S. v. Hand, 6 McLean, 274.

<sup>7</sup> Whart. Cr. Pl. & Pr. § 253; R. v.

Smith, 4 C. & P. 569; R. v. Bowyer,

Ibid. 559. See, also, generally, R. v.

Newill, 1 Mood. C. C. 458; R. v. Phillip,

Ibid. 263.

## PART VI.

### OFFENCES AGAINST FOREIGN NATIONS.

#### CHAPTER XLIX.

##### VIOLENCE TO FOREIGN MINISTERS.

§ 1899. It is provided in the United States, by statute, that "every person who violates any safe conduct or passport duly obtained or issued under authority of the United States; or who assaults, wounds, imprisons, or in any other manner offers violence to the person of a public minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined at the discretion of the court."<sup>1</sup> The statute makes penal something more than an assault, which the State courts could punish as an ordinary misdemeanor; and which, as a municipal offence, would not, apart from the official character of the person assaulted, be within the range of federal legislation. Not only are the federal courts authorized to take jurisdiction of the assault, when so aimed, but a new offence is established for their cognizance: viz., offering violence to the person, "in violation of the law of nations." Under this clause a threat of violence would become indictable.<sup>2</sup> But be this as it may, of assaults on ministers of foreign States the federal courts have frequently taken cognizance;<sup>3</sup> and it is clear that in such cases the federal Circuit Courts have jurisdiction.<sup>4</sup> The property

Violence  
to foreign  
ministers  
an offence.

<sup>1</sup> Rev. Stat. U. S. § 4062; Act of April 30, 1799, c. 9, § 28. By subsequent sections process against foreign ministers and their domestics is void under certain limitations, and penalties are imposed for suing out such process. Similar statutes exist in England. Steph. Dig. Cr. L. art. 96; Whart. Cr. Pl. & Pr. § 38.

<sup>2</sup> U. S. v. Jeffers, 4 Cr. C. C. 704.  
<sup>3</sup> U. S. v. Liddle, 2 Wash. C. C. 205; U. S. v. Ortega, 4 Ibid. 531; U. S. v. Hand, 2 Ibid. 435; U. S. v. Benner, Bald. C. C. 234; 5 Opin. Atty.-Gen. 69.

<sup>4</sup> U. S. v. Ortega, 11 Wheat. 467.

of a foreign minister, it is also held, is identified by the law of nations with his person; and under the act of Congress, an attack on his property is an assault on himself; though to convey to the offence this particular character, the defendant must have known the official character of the owner of the property.<sup>1</sup> But there can be no conviction if it appear that the defendant in making the assault was acting in self-defence.<sup>2</sup> A secretary of the legation,<sup>3</sup> a chargé d'affaires,<sup>4</sup> an attaché,<sup>5</sup> and domestic servants,<sup>6</sup> are within the statute. But the privilege does not extend to persons accredited from foreign revolutionary governments not recognized by the United States.<sup>7</sup>

Foreign consuls, under the limitation of the federal constitution, are not indictable in State courts.<sup>8</sup>

Privilege from arrest is considered in another work.<sup>9</sup>

The State courts in such cases have jurisdiction,<sup>10</sup> though on the question of privilege they are bound by federal legislation.<sup>11</sup>

<sup>1</sup> U. S. *v.* Jeffers, 4 Cr. C. C. 704; <sup>8</sup> See Const. U. S. art. 3, § 3; U. U. S. *v.* Hand, 2 Wash. C. C. 435. <sup>9</sup> *S. v.* Ravara, 2 Dall. 297; Whart. St.

<sup>2</sup> *Supra*, § 87; U. S. *v.* Liddle, 2 Tr. 91; Hall *v.* Young, 3 Pick. 80; U. Wash. C. C. 205; U. S. *v.* Ortega, 4 <sup>10</sup> *S. v.* Lathrop, 17 Johns. 4; Com. *v.* Ibid. 531. Hosloff, 5 S. & R. 545.

<sup>3</sup> Cabrera, *ex parte*, 1 Wash. C. C. <sup>11</sup> Whart. Cr. Pl. & Pr. § 59. 232; Resp. *v.* Longchamps, 1 Dall. 111. <sup>12</sup> Resp. *v.* Longchamps, 1 Dall. 111.

<sup>4</sup> U. S. *v.* Ortega, *ut supra*. <sup>13</sup> Cabrera, *ex parte*, 1 Wash. C. C.

<sup>5</sup> U. S. *v.* Benner, Bald. C. C. 234. <sup>14</sup> On the question of exclusive juris-

<sup>6</sup> U. S. *v.* Lafontaine, 4 Cr. C. C. 173. <sup>15</sup> *U. S. v.* Hetz, *ex parte*, 111 U. S. 166.

<sup>7</sup> U. S. *v.* Skinner, 2 Wheel. Cr. C. <sup>16</sup> *U. S. v.* Hetz, *ex parte*, 111 U. S. 166.

232.

## CHAPTER L.

## LIBELS ON FOREIGN STATES.

§ 1900. It has already been seen that it is at common law an indictable offence to publish a libel tending to disturb the peace between the State in which the publication is made and a foreign State. In the federal courts, from their lack of common law jurisdiction, such offences cannot be punished unless in conformity with statute. But there is authority to the effect that in the State courts prosecutions may be maintained for such libels at common law.<sup>1</sup>

Indictable  
to publish  
libel tend-  
ing to dis-  
turb peace  
with for-  
eign State.

<sup>1</sup> *Supra*, § 1612 a.

## CHAPTER LI.

BREACH OF NEUTRALITY.<sup>1</sup>

Indictability not convertible with national duty, § 1901.  
Sympathy not participation, § 1902.  
Not indictable to furnish belligerent with munitions of war, § 1903.  
Otherwise as to recruiting, § 1904.  
And so of fitting out and arming cruiser, § 1905.

And so of lending money for belligerent purposes, § 1906.  
And so of furnishing coal from a constant base of naval supply, § 1907.  
Punishment, but not extradition of offender, may be demanded, § 1908.

§ 1901. It by no means follows, that because, by the law of nations, a neutral State is bound to a certain line of conduct towards belligerents, its subjects are bound by the same line of conduct, and are responsible to their State for any such acts of participation in foreign wars, as by the law of nations it is bound to prevent. A nation, on the one side, may say, "I do not choose to suppress these acts of participation, or I cannot suppress them, but I will take on myself the consequences, and will make reparation." Such was the position of President Washington, before the passage of the neutrality statute. Prosecutions against the offenders were attempted at common law; and although, as we have seen, it was at first held that the federal courts had common law jurisdiction of offences against the law of nations, yet, the conclusion was soon reached, that without a statute such offences could not be judicially reached. This conclusion was communicated to the English minister, Mr. Hammond, with the announcement that the United States government would nevertheless

<sup>1</sup> As authorities on the topic in the text may be cited *Revue de Droit Intern.* 1874; *Calvo, Examen des trois règles, etc.*, pp. 433, 533; in same volume are Opinions of President Woolsey, M. Rolin-Jaequemyns, Mr. W. B. Lawrence, and Mr. M. Bernard, on the same topic; *Revue de Droit Intern.* 1875-1884; Discussion of the Rules by Messrs. Lorimer, Neumann, Rolin-Jaequemyns, and Westlake; Bluntschli, *Moderne Völkerrecht* (3d ed.), Nördlingen, 1878, §§ 749 *et seq.* See more fully Whart. Com. Am. Law, §§ 238, 244. As to common law jurisdiction, see *supra*, § 253.

hold itself responsible to foreign nations for any infractions of its international obligations, though it might not be able to proceed penalily against its own citizens for such infractions. The same attitude was assumed by Great Britain in the Alabama controversy. British legislation might be defective, it was admitted, so far as concerned the power to punish British subjects for breaches of neutrality; but this in no way limited the obligation of the British government to make good to the United States losses incurred through such misconduct. And, on the other hand, a State may impose by statute on its subjects an abstention much more strict than that which is imposed by international law on itself. If so, its subjects are bound by the statute, and may be convicted of offences, which, for municipal purposes, it deems breaches of neutrality, though the litigated acts would not be breaches of neutrality by the law of nations.<sup>1</sup>

§ 1902. Strong sympathy may be felt for one of the parties to a foreign struggle, without, by international law, any Sympathy not participation. Such sympathy was frankly expressed by President Washington with France at the beginning of the French and English war, but both then and afterwards a strict neutrality was maintained in this war. In the French-German war of 1870, the Germans in the United States were outspoken in their expressions of sympathy with Germany, and the French in the United States with France, but this was so far from being regarded as a breach of the neutrality laws, or as imposing any penal responsibility on the parties so speaking, that President Grant, in his proclamation of neutrality issued August 22, 1870, expressly recognized it as consistent with the national neutral attitude. During our own civil war, public meetings were held in England expressing strong sympathy with the South, and so spoke some of the leading English papers; but that the English government was not bound to prohibit these demonstrations, our own government conceded.<sup>2</sup> Nor is this toleration of recent recognition.

<sup>1</sup> The English Foreign Enlistment Act, according to Sir A. Cockburn, "going far beyond the restraints which international law imposes on the neutral subjects, prohibits even the fitting out and equipping of vessels for the purpose of war." Opinion in the Alabama Case, p. 255.

<sup>2</sup> See *supra*, §§ 227, 1340, 1403.  
See Wheaton Int. L. § 439; Bemis, American Neutrality, Boston, 1866; Declaration of the International Institute, Hague, 1875; Annuaire, 1877; Bluntschli, Mod. Völkerrecht, § 756, ed. of 1878; Whart. Com. Am. Law, §§ 238, 244.

Similar meetings, sometimes unchecked by the government of the day, sometimes even encouraged by it, were held in England for the purpose of expressing sympathy with the Greek insurrection against Turkey, in 1820-4; and with Kossuth and his revolutionary agitations in 1850. For the same reason it has never been contended in England that it is any international breach of neutrality for meetings of Irishmen to be held in the United States expressing sympathy with Fenianism.

§ 1903. Is it an indictable offence, supposing the law of nations to be part of the municipal law of the land, for the Not indictable to furnish belligerent with munitions subject of a neutral State to furnish munitions of war, even though these be contraband of war, to a belligerent? At first glance, this would seem to be a participation of war.

<sup>Not indictable to furnish belligerent with munitions</sup>icipating in the war in which such belligerent is engaged, and hence a breach of neutrality. A more careful study of the question, however, leads us to a contrary conclusion. (1) Between selling arms to a man, and an indictable participation in an illegal act intended by the vendee with such arms, there is no necessary causal relation. "The miner, the manufacturer, and the merchant," as has already been said,<sup>1</sup> "may regard it not only as possible, but probable, that their staples may be used for guilty purposes, but neither miner, manufacturer, nor merchant becomes thereby penally responsible." "To enable a gunshot wound to be inflicted, an almost innumerable series of conditions is necessary. It is necessary that the gun should be procured by the assailant. It is necessary that the gun should have been made by the manufacturer. It is necessary that the steel of the gun should have been properly tempered; that the bullet should have been properly cast; that the materials from which bullet, tube, and trigger were made should have been dug from the mine and duly fashioned in the factory. . . . All these are necessary conditions of the shooting, without which the shooting could not have taken place. No one of them, however, is in the eye of the law the cause." (2) To make the vendor of munitions of war indictable would make it necessary to impose like penal responsibility on the manufacturer; and if on the manufacturer, then on the producer of the raw material which the manufacturer works up. In each case the thing made or sold is one of the neces-

<sup>1</sup> *Supra*, § 169.

sities of war. In each case the producer or vendor knows that the thing produced or sold will probably be used for this purpose. Hence, in times of war, not merely would neutral sale of munitions of war become penal, but penal responsibility would be attached to the production of any of the materials from which such weapons are manufactured, if such weapons afterwards fell into the hands of a belligerent. (3) Nor would this paralysis be limited to periods of war. A prudent government, long foreseeing a rupture, or preparing in secret to surprise an unprepared foe, might take an unfair advantage of its adversary, were this permitted, by purchasing in advance of the attack all munitions which neutral States might have in the market; but on the theory before us, a neutral State could not permit this without breach of neutrality, since to permit such sales would be to give a peculiarly unfair advantage to the purchasing belligerent. Hence, if such sales were indictable in time of war, they would *a fortiori* be indictable in time of peace. Why would a foreign nation, it might well be argued, want in time of peace to buy Dahlgren guns, or Armstrong guns, or iron-clads, unless to suddenly pounce down on an unprepared foe? No munitions of war, therefore, could be sold in any country unless to its own subjects, and for its own use; and countries which cannot produce the iron or coal necessary for the manufacture of artillery would have to do without artillery, if it be indictable for a neutral to furnish a belligerent, either present or prospective, with munitions of war. (4) To establish a national police which could prevent the sale of such commodities would impose a burden on neutral States not only intolerable, but incompatible with constitutional traditions. It might be possible in a land-locked province such as Switzerland; it might be even possible in an island like Great Britain, and with a navy so powerful; but in a country as vast as the United States, and with an ocean frontier so extended, it would be impossible to establish a system of adequate prevention without employing naval and military armaments inconsistent with our settled policy, and imposing on us a pecuniary burden far greater than any corresponding loss to belligerents. (5) The *laissez faire* rule may undoubtedly be pressed too far; but when we say that we will not prohibit the sale of firearms to our own citizens because they may be used for homicidal purposes, we cannot be called upon to intervene to prevent their sale to citizens of other States, simply

because such citizens may use them in foreign battle. For these and other reasons there is an almost unbroken current of authority to the effect that it is no breach of neutrality for the subjects of a neutral State to furnish to a belligerent munitions of war.<sup>1</sup>

<sup>1</sup> Bluntschli, § 764. This right was assumed by President Grant, in his proclamation of August 22, 1870, and is incorporated in the treaties of the United States and Prussia of 1799 and 1828.

Germany, however, does not concede the view expressed in the text, and during the war of 1870 sent repeated and vehement remonstrances to England against the sale by English merchants of war material to France, France obtaining the almost exclusive benefit of this license. Lord Granville, in his reply, maintained that the right to make such sales is granted by international law, and that Prussian subjects, recognizing this right, had sent, during the Crimean War, to Russia large stores of ammunition and firearms.

As is seen in a subsequent note, the Prussian government took still more serious exception to the action of the United States in permitting the sale to France of munitions of war which the United States government possessed in excess at the close of the civil war.

"The laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles contraband of war or to take munitions of war or soldiers on board their private ships for transportation; and, although in so doing the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of national neutrality, nor of themselves implicate the government. Thus, during the progress of the present war in Europe, our citizens have, without national responsibility therefor, sold gunpowder and

arms to all buyers regardless of the destination of these articles." President Pierce, Message, Dec. 1854.

To the same effect is Mr. Fish's dispatch to Gen. Schenck, June 10, 1871. On general principles of international law the conclusion in the text is sustained by Lord Granville's statement, given by Mr. Schenck, June 12, 1871. Mess. of Prest. Hayes, Jan. 14, 1879, p. 5; and by Mr. Gladstone's explanation in House of Commons, June 12, 1871 (*Ibid.* p. 7).

Mr. Cushing takes the same position in his work on the Treaty of Washington, p. 180.

"It is not the practice of nations to undertake to prohibit their own subjects from trafficking in articles contraband of war." Mr. Webster to Mr. Thompson, Webster's Works, vi. 452.

By Chancellor Kent, in a passage accepted by both sides of the argument in the Alabama case, it is held to be no breach of neutrality for the subjects of a neutral State to sell things capable of being used in war to a belligerent; and hence the subject of a neutral State would not be indictable in his own country (unless a statute impose specific indictability) for making such sales. 1 Kent Com. 142. See Ortolan, *Dipl. de la Mer*, ii. c. 6, p. 180; Massé, i. pp. 203-5.

The sale of armed ships by a neutral to a belligerent was held in England, in 1721, not to be a breach of neutrality; Sir A. Cockburn's Opinion, 251, Am. reprint; and in the United States by Judge Story, in the case of *The Santissima Trinidad*, in 1822, cited *infra*, § 1905. To the same effect is Mr.

§ 1904. No State can prevent its subjects from volunteering in the service of other States; nor is its non-prevention of such action any breach of neutrality. For a citizen of the United States to go abroad to enlist is not indictable.

Recruiting  
is breach  
of neu-  
trality.

Adams's letter of April, 1863, to Lord Russell.

As holding that it is a breach of neutrality for the subjects of a neutral nation to sell to a belligerent articles contraband of war may be cited Galliani, quoted in Sir A. Cockburn's argument in the Alabama Case, p. 241 (Pres. Mes. 1873).

It may be said that the three rules adopted by the treaty of Washington for the guidance of the Alabama arbitrators modify the conclusions of the text. Those rules are considered at large in the discussion of this topic by Mr. W. B. Lawrence, with which this chapter closes. So far as concerns the particular point in the text, it may be maintained that the conclusions of international law in this respect are not affected by the "three rules" for the following reasons:—

(1) These rules are only to be binding as rules of international law if accepted by the leading powers, which they have not been.

(2) They are not binding as permanent and absolute rules on England and the United States: (a) because neither England nor the United States have ever considered them to be so binding; and (b) because, by the treaty that proposed them, as temporary rules of action, for guidance of a special and exceptional court, their permanent adoption is dependent upon their communication to the great European powers, which communication has never been made. This position is taken by Mr. Fish in his letters to Sir Ed. Thornton, of May 8 and Sept. 18, 1876, as communicated by President Hayes in his message to the Senate of Jan. 13, simply marvellous."

able under our statute.<sup>1</sup> But a neutral State, cannot without breach of neutrality, permit enlistments within its borders of persons to serve in foreign wars. Hence, both in England and in the United States, codifying in this respect the law of nations, it is made by statute an indictable offence to enlist soldiers for such purpose.<sup>2</sup>

§ 1905. While it is no offence, either under the law of nations or under our own statute, for our citizens to sell munitions of war to a belligerent, it is otherwise as to the fitting out and arming a cruiser to serve one of the belligerents.<sup>3</sup> To permit our territory to be used as a base for naval armament is as much a breach of neutrality as to permit it to be used as a base for military armament. In Washington's proclamation of June 5, 1793, this was expressly declared, and such assistance was made an indictable offence by the Act of April 3, 1818, § 3.<sup>4</sup> The English statute of 1819 contains a similar pro-

<sup>1</sup> U. S. v. Kazinski, 2 Sprague, 7; 8 Bost. Law Rep. 254; 4 Opin. Atty.-Gen. 336; U. S. v. Skinner, 2 Wheal. C. C. 232.

<sup>2</sup> U. S. Statutes of June 5, 1794; April 20, 1818; English Foreign Enlistment Act of July 3, 1819 (59 Geo. III. c. 69), s. 2; Phil. Int. L. iii. § 146; Wheat. Int. L. § 439. See U. S. v. Rand, 40 Leg. Int. 233. To hire others to go abroad as soldiers is within the act. U. S. v. Hertz, Whart. Prec. § 1123, n.; 3 Pitts. L. J. 194.

<sup>3</sup> Either to fit out or to arm constitutes the offence. U. S. v. Quincy, 6 Pet. 445; 3 Opin. Atty.-Gen. 738, 741; U. S. v. Guinet, 2 Dall. 321.

<sup>4</sup> Bemis, American Neutrality, Boston, 1866.

The mere fact of selling a merchant vessel, in an American port, to parties who may use her in the service of a belligerent, she being in fact so used, is not by itself an infringement of the act. Williamson v. The Betsey, Bee, 67; The Santissima Trinidad, 7 Wheat. 283. Compare The Meteor, 1 Am. L. Rev. 401; S. C., 3 Ibid. 173.

hibition. The imperfect performance by the British government of its duties in this respect provoked a controversy which led to the treaty of Washington of May 8, 1871, which provided for an arbitration for the purpose of determining how far the British government had failed in the discharge of its neutral duties. The treaty established certain lines within which the arbitrators were to move, laying down for the purposes of the arbitration three rules which are given in a note to this chapter. The report of the arbitrators, therefore, is not to be received as giving a construction to international law, but as a finding based upon certain specific rules agreed upon for a special and temporary purpose, by the parties from whom the arbitration sprang. The proceeding, therefore, is in the nature of a special finding upon law assumed for the time being, and establishes no modification whatever of public international law. We have, therefore, to fall back on that law, as elsewhere determined, to reach the distinction between fitting out and arming ships of war, for the service of a belligerent, which is not permissible, and selling to such belligerent, ships, to be converted into men-of-war, and munitions of war, which is permissible.<sup>1</sup> And this distinction, though sometimes of difficult application, is, as is seen in a prior connection, based upon principles of universal recognition. It is not indictable for a gunsmith to sell a pistol to a party who may use it unlawfully, even though the vendor may have reasons to suspect the object of the purchase. It would, however, be unlawful for the gunsmith to join in arranging a machine by which a specific unlawful purpose is to be achieved. It is not unlawful, in other words, to be concerned in preparations which will not, unless diverted by an independent force, produce a violation of law. It is, however, unlawful to be concerned in putting in actual operation dangerous machines. He who is concerned in fitting out and arming a man-of-war, for the purpose of preying on the commerce of a friendly State, or of attacking its armed ships or ports, is as much concerned in the attack as he who takes part in manufacturing and planting a torpedo in a frequented channel is responsible for the mischief done by the torpedo. This distinction has been already asserted in the cases which rule that it is an indictable offence to be concerned in counselling and aiding a specific attack, but not an indictable offence

<sup>1</sup> See U. S. v. Quincy, 6 Pet. 445.

to be concerned in selling arms by which such attack is to be made.<sup>1</sup>

§ 1906. To contribute money to sustain a foreign belligerent, or Money loaned for belligerent purposes an infraction of neutrality. insurgents against such a belligerent, is an offence under the neutrality statutes, provided that such money is sent to sustain the pending war. It is otherwise as to loans made as investments in the bonds of a belligerent, and as to contributions sent to relieve distress even in a belligerent army.<sup>2</sup> Hence, in the late French-German war, it was no breach of neutrality for persons in the United States sympathizing with France to send money for French hospital use, or for persons in the United States sympathizing with Germany to send money for German hospital use.<sup>3</sup>

§ 1907. It is a moot question how far it is permissible, by the law of nations, for a neutral State to supply the armed steamers of belligerents with coal. The Geneva award declares: "In order to impart to any supplies of coal a character inconsistent with the second rule, prohibiting the use of neutral ports or waters as a base of naval operations for a belligerent, it is necessary that the said supplies should be connected with special circumstances of time, of persons, or of place, which may combine to give them such character."<sup>4</sup> Mr. Adams, in his opinion, thus speaks: "The supply of coal to a belligerent involves no responsibility to the neutral, when it is made in response to a demand presented in good faith, with a single object of satisfying a legitimate demand openly assigned. On the other hand, the same supply does involve a responsibility, if it shall in any way be made to appear that the concession was made, either tacitly or by agreement, with a view to promote the execution of a hostile act."<sup>5</sup>

According to Sir A. Cockburn, "A base of operations signifies a local position which serves as a point of departure and return in military operations, and with which a constant communication can be kept up, and which may be fallen back upon whenever necessary. In naval warfare it would mean something analogous,—a port or

<sup>1</sup> See *supra*, §§ 180-1; *The Gran  
Para.*, 7 Wheat. 486.

<sup>2</sup> Phillipore, iii. § 151; Bluntschli, pp. 11, 49, 74. § 768; Whart. Com. Am. Law. §§ 244 et seq.

<sup>3</sup> Ibid. <sup>4</sup> Rep. State Depart. 1872-3, Part I.

water from which a fleet or ship of war might watch an enemy and sally forth to attack him, with the possibility of falling back upon the port or water in question for fresh supplies or shelter or a renewal of operations."<sup>6</sup>

The true distinction is this: it is not a breach of neutrality for a neutral State to permit the coaling of belligerent steamers in its ports to the same extent as it permits the coaling of other foreign steamers resorting to its ports casually and without prior preparations established for them. Nor is it a breach of neutrality for a neutral State to permit the sale of coal to any extent to a belligerent. It would, however, be a breach of neutrality for a neutral to permit a permanent depot or magazine to be opened on its shores, on which a particular belligerent could depend for constant supplies. To require a neutral to shut up its ports so as to exclude from coaling all belligerents, would expose a nation with ports as numerous as those of the United States to an expense as great as would be imposed by actual belligerency. It is on the belligerent, who goes to war, not on the neutral, who desires to keep out of it, that should be thrown expenses so enormous, and constitutional strains so severe as those thus imposed. On the other hand, the breaking up of central depots or magazines for the constant supply of particular belligerents would be within easy range of ordinary national police. Nor can there be any charge of partiality made in allowing coaling with the limitation above stated, when the same privilege is granted to both belligerents.

§ 1908. By international law, a belligerent State whose rights are invaded by the subjects of a neutral State has the right to demand the punishment of the offender, but not his extradition, the offence being of a political character, to which the extradition treaties do not apply. The persons whose punishment may be thus demanded have been classified<sup>7</sup> as follows:—

Punish-  
ment but  
not extra-  
dition of  
offender  
may be de-  
manded.

### 1. Subjects of one of the belligerents.<sup>8</sup>

<sup>1</sup> Sir A. Cockburn's Opinion in <sup>2</sup> Bluntschli, § 780; Whart. Com. Geneva Case, adopted by Mr. Hardy, Am. Law. §§ 118 *et seq.* in House of Commons, March 21, 1873; <sup>3</sup> A foreign consul is not exempted President Hayes's Message, January, from the penalties of the Act. 7 Opin. 14, 1879, p. 28. See Cushing's Treaty Atty.-Gen. 307; U. S. v. Guinet, 2 Dall. 321.

2. Subjects of the neutral State.<sup>1</sup>3. Strangers, belonging to other neutrals in such neutral State.<sup>2</sup>

<sup>1</sup> Henfield's Case, 1 Whart. St. Tr. 49.

<sup>2</sup> U. S. v. Villato, 1 Whart. St. Tr. 185; 2 Dall. 370.

For the following valuable summary of the history of the law in connection with the topics in the foregoing chapter, I am indebted to the late Mr. Wm. Beach Lawrence, to whose great ability and erudition as an international jurist I am glad to pay tribute. The paragraphs which follow were the last, I think, which were prepared by him for publication:—

Most of the States of Continental Europe now have laws to prevent such action on the part of their subjects as may embroil them with other powers. The 84th and 85th articles of the Penal Code of France, under the head of crimes and misdemeanors against the safety of the State, provide that whoever shall by hostile action, not approved by the government, expose the State to a declaration of war shall be punished by banishment (bannissement), and if war ensue by transportation (deportation); and whoever shall by acts not approved by the government subject Frenchmen to reprisals shall be punished by banishment (bannissement). These same provisions form part of the Penal Code of Belgium and the Netherlands, while Spain, in the 140th article of the Codigo Penal, and the 258th article of the law of 1822, has provisions corresponding to those of the French Code.

England had not until the Act of 1819 any statute provisions enforcing neutrality in favor of a foreign belligerent. The statutes 9 and 29 George II. were intended to prevent enlistments for the formation of Jacobite

armies in France and Spain, and it was only in 1870, after the controversy with the United States as to her neutral duties in the American civil war, that the Act of 1870, which prohibited the building of ships for the service of a belligerent, which was not included in the Neutrality Act of 1819, was passed. England has, however, always recognized the law of nations as part of her common law, and consequently all offences against international obligations may be punished according to the ordinary criminal procedure, either in the common law or admiralty tribunals, as the nature of the case requires.

The Constitution of the United States, art. 1, § 8, gives to Congress power to define piracies and felonies committed on the high seas, and offences against the law of nations. The provision is not merely to define and punish piracies, but felonies against the law of nations. Offences against the law of nations cannot be said to be completely ascertained and defined in any public code recognized by the common law of nations. As the United States are responsible to foreign governments for all violations of the law of nations, and as the welfare of the nation is essentially connected with the conduct of our citizens in regard to foreign nations, Congress ought to possess the power to define and punish all such offences which may interrupt our intercourse and harmony with other nations and our duties to them. All cases of admiralty and maritime jurisdiction are made, by art. 3, § 2, matters for the exclusive cognizance of the federal judiciary; as the seas are the joint property of all nations, the rights and privileges thereto

are regulated by the law of nations. Story's Commentaries on the Constitution, vol. iii. pp. 52-58, 525, 536; Tucker's Blackstone, vol. i. Appendix, 268, 269; Bawle on the Constitution, p. 108; Kent's Commentaries, vol. i. § 17, *passim*; Sergeant on the Constitution, c. 21; De Lovio v. Boit, 2 Gall. 470.

On the occasion of the war in 1793 between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands on the one part, and France on the other, the United States were called upon to decide on their international obligations. The necessity of immediate action was induced by the conduct of the French government and their minister in the United States in fitting out privateers in our ports, whose prizes, whether made on the high seas or within our territorial waters, were brought into our ports. There were intrinsic difficulties in the maintenance of an impartial neutrality, arising from the discordant if not incompatible character of the obligations existing on our part to France and England, respectively. The treaty with France, which commenced by stipulating exemption from belligerent capture of enemy's goods in neutral ships, was in many respects at variance with the rules which we had accepted from England as governing the consuetudinary law of nations; while by the treaty of 1792, which was subsequent to the President's proclamation of neutrality, we gave to the English interpretation of international obligations a conventional sanction.

But there are many things which may be done by a neutral in war which have the appearance of equality, but in their operation may have a different effect on the conflicting interests of the belligerents. A neutral country may, without breach of neutrality, permit both belligerents to equip vessels in its ports. Even without any previous stipulation with either party, the ports of a neutral may be closed or kept open to the prizes of both. It is competent for a nation to stipulate during a period of peace to give in war privileges to one party exclusively: thus by the treaty of 1778 with France it was declared that it should be lawful for the ships of war of either of the contracting parties, and privateers, to carry whithersoever they please the ships and goods taken from their enemies, while no access shall be given to the ships of war or privateers of their enemies, except when forced in by stress of weather.

Congress had, at the time of the proclamation, passed no law respecting neutrality, and if the case was to be met at all, it could only be, in the recess of Congress, by executive action through the courts or otherwise. The question, which afterwards became one of such grave import, as to whether the federal government in criminal matters had a common law jurisdiction, does not appear to have suggested itself to the authors of the proclamation. So late as 1823 the law officers of the crown advised the British government that parties who had violated the neutrality of the country, by making loans to a belligerent, were, though there was no express statute on the subject, liable to criminal proceedings according to the course of the common law. Halléck's International Law, by Baker, vol. ii. pp. 196, 197, note; Phillimore, vol. iii. p. 247; De Witte v. Hendricks, 9 Moore, C. P. 585.

The proclamations usually issued at the beginning of a war were against breaking blockade established by or on behalf of either of the contending parties, or carrying officers or any articles considered and deemed to be contraband, according to the usage of nations, and declare that all persons

so offending would be liable to the several penalties imposed by statute or by common law; and yet in the absence of any statutory enactments no criminality is incurred, nor are the persons who engage either in the violation of a blockade, or in a contraband trade, exposed to any criminal proceedings on the part of the belligerent, nor are they liable to be treated even as prisoners of war. Neutral subjects are responsible to their own government, not to that of the belligerent, for infractions of neutrality.

"The States-General, as well as every other prince, may make what laws they please with respect to their subjects; not so with respect to foreigners. Hence it is properly asked, What is lawful for us by the law of nations to carry to the enemies of our friends? or, what is the same thing, What may our friends lawfully carry to our enemies? Whatever is not lawful to be carried, if the friend take it, he may lawfully confiscate, and by that *confiscation alone* the whole penalty of the law is satisfied." Bynkershoek, *Quaestiones juris publici*, lib. i: c. x. p. 181; Duponceau's Translation, p. 75.

Nor is it deemed a crime on the part of a neutral to take a commission from one of the belligerents. In the case of the denunciation as pirates by the government of the United States, at the commencement of the war of secession, of all who engaged in Confederate privateers, it was intimated in the debate in the House of Lords (May 16, 1861), that if an English subject thus engaged was convicted and executed for piracy, it would afford a ground for international reclamation. Parliamentary Debates.

[After the close of the war, the United States government declined to prosecute Semmes, captain of the Alabama, on the ground that it could not

sanction the view that privateering with a belligerent commission is piracy. See Letters of Mr. Bolles, Solic. of the Navy, *Atlantic Monthly*, July and August, 1872. *Supra*, § 1864.]

But although the United States exercised the right of restoring property captured under the circumstances before indicated, they have invariably maintained the extra-territoriality of ships of war, whether public armed vessels or privateers, having a commission from their sovereign, and in restoring the prizes have always refused any damages or costs as against the captors.

In the case of *U. S. v. Peters*, 3 Dallas Rep. 121, a prohibition was granted against proceedings in the District Court against The Cassius, an armed corvette of the French Republic, for an alleged illegal capture on the high seas of a neutral merchant vessel belonging to a citizen of Pennsylvania.

In the case of The Exchange, the principle that a vessel bearing the flag and commission of a belligerent power was not within the local jurisdiction of the neutral law, though claimed by citizens of the neutral country as having been forcibly taken from them, as prize, contrary to international law, was fully upheld on appeal by the Supreme Court of the United States. Cranch's Rep., vol. vii. pp. 135, 147. Schooner Exchange *v. McFadden*, and others. Lawrence's Wheaton, 201, 725.

The private armed vessel of a foreign friendly power may claim the same immunities and is as free from the jurisdiction of our courts as if she were a national vessel. L'Invincible, 1 Wheat. 238, 252. The principles of the predilection were incorporated in a law of Congress passed in 1794, which, after being extended in 1797, was perpetuated by the Act of 24th April, 1800.

It was during the continuance of

this act that the trial of Smith and Ogden was held, for being concerned in the expedition of Miranda against the dominions of the king of Spain, in South America. The defence proposed to establish that the expedition had been instituted with the concurrence, if not at the suggestion, of the government of the United States, and for that purpose summoned as witnesses the secretary of state, and other principal members of the administration. These officers, in a communication to the court, expressed their inability to attend on account of public duties, but proposed that their testimony should be taken by commission, to which the defendants refused to assent, but asked for compulsory process, and that the case might be deferred until their attendance. The court decided that their testimony would be immaterial, inasmuch as the previous knowledge or approbation of the President to the illegal acts of a citizen could afford him no justification for the breach of a constitutional law. The President's duty is faithfully to execute the laws, and he has no such dispensing power. But although the charge of the judge was strongly against the defendants, and there was no question as to the law, the jury returned a verdict of not guilty. Trial of Smith and Ogden, p. 237.

The difficulties with France, to which we have adverted, were not solved till the abrogation of all treaties with her and the quasi war of 1798, which was terminated by the treaty of 1800. Nor did that treaty, nor the exceptional indemnification provided by the conventions of Louisiana, terminate our controversies respecting the rights and duties of neutrals.

From the end of the last century to the termination of our War of 1812 with England, there were few occasions

on which we could well be called on to fulfil as neutrals international obligations. England, mistress of the ocean, the dominion of the European continent was secured to France, and it would, from their orders in council and imperial decrees, seem that they deemed that they had a common interest in extinguishing neutral rights. The outrages of one belligerent constituted an acknowledged sanction for the correspondent acts of the other.

Thus Mr. Canning, in a note of 22d September, 1808 (to Mr. Pinkney, minister in London, and the contemporaneous language of the Duke of Bassano to our minister in France was similar), said: "I have uniformly maintained the unquestionable right of his Majesty to resort to the fullest measures of retaliation, in consequence of the unparalleled aggressions of the enemy, and to retort upon that enemy the evils of his own injustice; and have uniformly contended that if the third parties suffer from these measures, the demand of reparation must be made to that power which first violates established usages of war and the rights of neutral States."

At this time the interchange of commodities required for the use of the respective belligerents was effected through a direct trade by licenses, of which England granted, in 1809, 16,000. Lawrence's Wheat. p. 835.

The revolutionary movements in Spanish America, which commenced in 1810, afforded, after the termination of our war with England in 1815, occasion for encouragement to our citizens to take part, especially in the fitting out of privateers, which were complained of by Spain as violative of our neutrality. An amended act of neutrality, giving preventive powers, was passed 3d March, 1817, all the provisions of which were incorporated in the

Act of 20th April, 1818, which repeals the several acts of 1794, 1797, 1800, and 1817.

There is a change in the first section, which extends the prohibition to citizens of the United States, within the territory or jurisdiction of the same, from accepting or exercising a commission to serve a *foreign prince or State by land or sea*.

The existing law, according to the summary of it as given by Chancellor Kent (1 Kent's Commentaries, p. 128), and adopted by Wheaton (Lawrence's Wheaton, p. 729), declares it to be a misdemeanor for any person within the jurisdiction of the United States to augment the force of any armed vessel belonging to one foreign power at war with another power with whom they are at peace; or to hire or enlist troops or seamen for foreign military or naval service, or to be concerned in fitting out any vessel to cruise or commit hostilities in foreign service against a nation at peace with them; and the vessel in the latter case is made subject to forfeiture. The President is also authorized to employ force to compel any foreign vessel to depart, which by the law of nations or treaties ought not to remain within the United States, and to employ generally the public force in enforcing the duties of neutrality prescribed by law. Revised Statutes, §§ 1033 *et seq.*

It is to be noted that it is equally unlawful to fit out ships against an insurgent government as it is to fit them out for the insurgent.

The complaints, notwithstanding the passing of this act, against the United States by Spain and Portugal, were not unlike those which were made by the United States against England during our late civil war. The courts looked to the political department of the State to determine who were entitled to belligerent rights, and whether

or not a formal recognition of independence had taken place; and they attempted to apply the same principles as were applied in General Washington's administration to the cases of captures made either within our territorial jurisdiction or by vessels fitted out in our ports. The same difficulty of distinguishing, especially as to fitting out vessels of war, between acts done in furtherance of the military aid to a belligerent, and those which came fairly within the scope of commercial transactions, was constantly occurring. Reference may be made to the case known as *The Santissima Trinidad*, which illustrates both the validity of the sale of a vessel as a commercial transaction, even when sent abroad to seek a market, and the duty of restoring property taken by that same vessel after her sale and subsequent augmentation of her armament in an American port. In that case, Judge Story shows that the sale of armed ships of war has never been held to be contrary to law in America, as it will appear that it never was in England, till after her Neutrality Act of 1870. The case was that of a vessel called *The Independencia*, which had been equipped for war, was armed with twelve guns, and had been sent from the port of Baltimore avowedly upon a voyage to the northwest coast, but in reality to Buenos Ayres, then at war with Spain, with instructions to the supercargo to sell her to the Buenos Ayres government if he could obtain a certain price. She was sold to that government, and, having been commissioned, was sent to sea and made prizes. She afterwards put into an American port, and having there received an augmentation of her force, again put to sea and captured a prize. The validity of this prize was questioned in the suit on two grounds: 1. That the sale of the vessel to a foreign gov-

ernment by American citizens, for the purpose of being used in war against a belligerent with whom the United States were at peace, was a violation of neutrality and illegal. 2. Because the capture had been made after an augmentation of the force of the vessel in a port of the United States. The capture was held invalid on the latter ground. Upon the first the judge delivered judgment as follows:—

"The question as to the original illegal armament and outfit of the *Independencia* may be dismissed in a few words. It is apparent that though equipped as a vessel of war she was sent to Buenos Ayres on a commercial adventure, contraband, indeed, but in no shape violating our laws or our national neutrality. If captured by a Spanish ship of war during the voyage, she would have been justly condemned as good prize for being engaged in a traffic prohibited by the law of nations. But there is nothing in our laws or in the law of nations that forbids our citizens from sending armed vessels as well as munitions of war to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the person engaged in it to the penalty of confiscation. Supposing, therefore, the voyage to have been for commercial purposes, and the sale at Buenos Ayres to have been a *bond fide* sale (and there is nothing in the evidence before us to contradict it), there is no pretence to say that the original outfit on the voyage was illegal, or that a capture made after the sale was for that cause alone invalid." 7 Wheat. 283.

Besides the invalidity of the captures made by the *Independencia* subsequent to the increase of her armament, other cases of action under the Act of 1818 may be noticed: *La Concepcion*, 6 Wheat. 285; *Amistad de Rues*, 5 Ibid. 385; *The Bello Cor-*

*runes*, 6 Ibid. 182; *The Fanny*, 9 Ibid. 658; and especially *The Gran Para*, 7 Ibid. 471. To meet the case of the Canada insurgents in 1838 a special act of Congress was passed. *Statutes at Large*, vol. v, p. 211.

In the case of *The Meteor*, libelled in 1866 at New York, Betts, Judge, says: "As to the preparing of vessels within our jurisdiction for subsequent hostile operations, the test we have applied is not the extent and character of the preparations, but the intent with which the particular acts are done. The intent is all. Is the intent one to prepare an article of contraband merchandise to be sent to the market of a belligerent, subject to the chances of capture and of the market? On the other hand, is it to fit out a vessel which shall leave our port to cruise immediately or ultimately against the commerce of a friendly nation? The latter we are bound to prevent, the former the belligerent must prevent."

The public history of the United States contains several instances in which the President has felt himself obliged to call by proclamation the attention of the citizens to expeditions menaced against foreign countries, and to warn them of the consequence of disobedience to the provisions of the neutrality acts.

During the Crimean War it was necessary to apply the provisions of that act to the case of enlistments made or attempted to be made for the British armies. *Supra*, § 1904.

In 1856, in consequence of the complicity, as understood and maintained by the American government, of the British minister, Mr. Crampton, and of the consuls at New York, Philadelphia, and Cincinnati, with reference to the arrangements for the enlistment of persons resident in the United States to serve in the British army in the Crimea, in violation of the neutrality

law of the United States, as construed by the American government, the President determined to send to Mr. Crampston his passport, and to revoke the *exequatur* of the three consuls. Annual Register, 1856, p. 277; 34th Cong. 1st Sess. H. R. Ex. Doc. No. 107.

The Franco-German war did not terminate without exposing the United States to some embarrassment, on the ground of the sale to France of munitions of war, which, whether or not the property of the government at the time of the exportation, had shortly before been in the public arsenals.

The termination of the civil war left the United States in possession of a vast quantity of materials of war, for which they had no use. The British minister at Washington wrote: "A series of public sales of surplus guns, rifles, and other arms took place at New York. Large quantities were bought by French agents, were taken on board French ships direct from the arsenal at Governor's Island, and were paid for through the French consul." Mr. Thornton to Lord Granville, 1863, State Papers, lxxi. 202.

At the session of the Reichsrath, which followed the sale to France of munitions of war taken from American arsenals, it was proposed in the Commission of Foreign Affairs to suppress the appropriations for the mission to the United States. This was prevented by the intervention of Prince Bismarck, who, avowing that a *casus belli* existed, said, as it was unworthy of great nations to utter menaces without giving effect to them, Germany had no alternative but war or silence; and as it was not consistent with his policy to go to war with America, he requested that nothing further should be done in the matter. Albany Law Journal, vol. xi. p. 28, note.

There were not wanting also complaints by Prussia of the violation of

neutralities, in matters of contraband, against England, though not by the direct action of her government; and, as we shall see, the embarrassments to which both governments had exposed themselves in this particular contributed, not a little, to the indefinite postponement of any efforts to bring the *three rules* of the Alabama treaty to the notice of other powers.

The Act of 59 George III. c. 69 (1819), was entitled, "An Act to prevent the Enlisting or Engagement of his Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping in his Majesty's Dominions, Vessels for Warlike Purposes, without His Majesty's License." This law was passed to carry out the obligations contracted by the treaty of 1812 with Spain, in reference to the revolutionary movements then going on in Spanish America.

It was after a very severe struggle, and mainly by the great power of Mr. Canning, carried through parliament. Public feeling, however, was generally averse to it, and a notion, that it assisted the despotic powers of Europe in repressing the efforts of their subjects to obtain constitutional liberty, prevailed. It is a very remarkable fact, that no public prosecution of an offender against the provisions of the statute appears to have been formally conducted by order of the government in a court of justice until the period of the recent American civil war; that is, nearly fifty years after the passing of the act. Phillimore Commentaries on International Law, vol. i. p. 466.

Mr. Baron Channell, in the case of The Alexandra, said; "The foreign Enlistment Act, particularly the seventh section, is very imperfectly worded. There is no doubt that it was in a great measure, but with what appeared to me very important variations, penned from an act of the United States, passed in Congress,

1792, and re-enacted in 1818." This vessel was built at Liverpool, nominally for Frazer, Trenholm and Company. She was, after being launched, immediately taken to a public dock for completion. According to the evidence at the trial, she was apparently built for war but not for commerce, but might have been used as a yacht. At the trial, which took place before the Chief Baron of the Court of Exchequer, on an information by the attorney-general, the jury found for the defendants. The question was left to the jury by the Chief Baron as follows: "Was there any intention that in the port of Liverpool, or in any other port, she should be either equipped, furnished, fitted out, or armed with the intention of taking part in any contest? If you think the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then that is a sufficient matter. But if you think the object really was to build a ship in obedience to an order and in compliance with a contract, leaving to those who bought it to make what use they thought fit of it, then, it appears to me that the Foreign Enlistment Act has not in any degree been broken." The Neutrality of Great Britain during the American Civil War, Montague Bernard, c. xiii. p. 355. The arguments on the motion to discharge the rule are in Atty.-Gen. v. Sillem, 2 Hurl. & C. 431.

Contrary to the course of the United States, in confiding the execution of her neutrality acts, including that of 1818, to the admiralty courts, the English Act of 1819, gave jurisdiction to the common law courts; and the case of The Alexandra, which was formally decided in favor of the defendant, though the opinions of the judges of the Court of Exchequer were divided on a technical question of construction, produced an irritation in the minds of the American people which neither the decision, in a contrary sense, of a Scotch court, nor even the interference of the government with the purchase of the Anglo-Chinese squadron, supposed to be intended for the South, had any effect in allaying.

So far back as January, 1867, a commission was appointed consisting of some of the most eminent English jurists, including Phillimore, Twiss, and Vernon Harcourt, all high authorities on international law, and to which Mr. Abbot (now Lord Tenterden) was attached in the capacity that he held to the High Commission at Washington. The result of their labors was embodied in the Act of 9th of August, 1870, the passage of which was hastened by the Franco-Prussian war. This act prohibits the building, or causing to be built, by any person within her Majesty's dominions any ship, with intent or knowledge of its being employed in the military or naval service of any foreign State at war with any friendly State; issuing or delivering any commission for any such ship; equipping any such ship, or dispatching or causing any such ship to be dispatched for such purpose. It is deserving of notice that Mr. Vernon Harcourt dissented to that portion of the Report of the Commissioners that applied to the prohibition of ship-building. Jurisdiction in cases under the act is given to the Court of Admiralty, which is not the least important amendment of the law.

The most interesting question affecting the obligations of neutrals and belligerents, during the war of secession, grew out of the reclamations of the United States, in their character of belligerents, against England, who, it was contended, had failed to fulfil her neutral obligations. The merits of the controversy it is not intended here to

discuss. That the United States had at least a *prima facie* claim for indemnity is implied from the terms of 1st Article of the Treaty of Washington of 1871, expressing the regret of her Majesty's government "for the escape, under whatever circumstances, of the Alabama and other vessels from British ports, and for the depredations committed by those vessels," and from their referring what was called the Alabama Claims to a tribunal of arbitration. Distinguished as were the members of the High Commission, as well as the Commissioners at Geneva to whom the adjudication of these claims was referred, the value of the whole proceedings, as precedents in the public law of nations, is greatly impaired by the anomalous course prescribed to the arbitrators. Instead of taking the law of nations as their sole guide, they were to be governed by three rules, which the parties had agreed upon as rules to be taken as applicable to the case, and by "such principles of international law not inconsistent therewith, as the arbitrators shall determine to be applicable to the case."

The rules thus adopted were as follows:—

"A neutral government is bound, First, to use due diligence to prevent the fitting out, arming or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

"Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval

operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

"Thirdly, to exercise due diligence in its own waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties."

While prescribing these rules the British members of the High Commission caused to be inserted in the treaty, that "Her Majesty's government cannot assent to the foregoing rules as a statement of principles of international law, which were in force at the time when the claims mentioned in art. I arose; but that her Majesty's government in order to evince its desire of strengthening the friendly relations between the two countries and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the arbitrator should assume that her Majesty's government had undertaken to act upon the principles set forth in these rules." "And the High Contracting Parties agree to observe these rules as between themselves in future, and to bring them to the knowledge of other maritime powers, and to invite them to accede to them."

Before an award had been rendered, an attempt was made to carry out the provision of the treaty, which requires the communication of the three rules to other powers, asking their adoption of them. It had been proposed to present them in identical notes. A delay arose from the apprehension that the stipulation of the second rule, "not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies, or arms, or the recruitment of

men," might be interpreted contrary to the acknowledged practice of the two contracting parties, especially in the Franco-German war, as a general prohibition of the sale of munitions of war by neutrals to belligerents. The two parties were agreed that the rule should not be presented to foreign powers for their acceptance without an explanation which would prevent such a conclusion, and which would restrain their operation to those acts which are done for the service of a vessel cruising or carrying on war, or intending to cruise or carry on war against another belligerent, and that they should not extend to cases where military supplies or arms are exported for the use of a belligerent power from neutral ports or waters in the ordinary course of commerce. To formalize a new clause in a manner acceptable to England and America had not been practicable before the interruption of the correspondence in 1872.

It was not resumed till June, 1873, after the difficulties of agreement had been increased by the exaggerated construction given by the arbitrators to the terms of the rules. "The due diligence," they say, "referred to in the first and third of the said rules, ought to be exercised by neutral governments in exact proportion to the risks to which either of the belligerents may be exposed, from a failure to fulfil the obligations of neutrality on their part;" and that "the circumstances out of which the facts constituting the subject matter of the present controversy arose were of a nature to call for the exercise, on the part of her Britannic Majesty's government, of all possible solicitude for the observance of the rights and duties involved in the proclamation of neutrality issued by her Majesty on the 31st May, 1861."

A dispatch of Earl Granville, illud-

ing to the proposition of Mr. Fish to submit the *three rules* to the maritime powers, refers to the embarrassments which resulted from the presentation to the commission of the indirect claims, and to the difficult position in which the representatives of England and of the United States would be placed if they submitted to other States a series of rulings as to the meaning of which they entirely differed. Earl Granville furthermore insisted that, while the English government is not at all disposed, as it appears especially from the debates in parliament, to accept all the decisions of the tribunal at Geneva, the presentation of the *three rules* to "the great powers" would probably be considered as an acceptance of its interpretation of them, and inevitably induce the rejection of the *three rules* by all these powers.

The President, in pursuance of their resolution of June 3, 1878, submitted to the Senate, January 13, 1879, the correspondence between the governments of the United States and Great Britain in regard to inviting other maritime powers to accede to the *three rules*. The last note, which was from Mr. Fish to Sir Edward Thornton, bears date September 18, 1876. The correspondence clearly establishes that there was no disposition on the part of the two powers, least so on the part of Great Britain, to make the submission; and from the subsequent silence we are to infer that the *three rules* are to be deemed limited in their operation to the single matter of the Alabama Claims, and as withdrawn from any proposed reform of the law of nations. It may be added that there was a conviction on the part of both governments that they could not receive the assent of a single State. Austria and Germany had early given instructions to that effect. Parliamentary Papers, 1874; Congressional Documents (Sen-

ate), Ex. Doc. No. 26; 45th Cong. 3d Session, 1879.

These rules, however, after having been greatly modified by Bluntschli and other continental jurists, received, in 1875, the assent of a majority of the members of the institute of international law, present at the Hague. Montague Bernard, Sir Travers Twiss, and Professor Lorimer, opposed their adoption,—the last named declaring that the *three rules* of Washington, as well as the American and foreign enlistment acts passed under the influence of the same ideas, are bad in theory and inapplicable in practice.

The English publicists—Sir Robert Phillimore, in his *Commentaries*, vol. iii., and Sir Sherston Baker, in his able notes to Halleck's *International Law*, vol. ii. p. 189—would seem not to differ from their countrymen who are members of the institute. The latter remarks: “The better opinion seems to be that oppressive and impracticable obligations would be imposed on neutral nations, if the principles set forth as the basis of the award and the interpretation placed on the *three rules* were acceded to in future cases.”

The condition of belligerency would be infinitely preferable to that of neutrality as defined by the conference of Geneva; and the due diligence prescribed would compel the United States, whenever they were neutrals, to maintain a naval police competent to cope with any belligerent forces,

664

throughout the whole extent of our coasts, both on the Atlantic and Pacific.

By the repudiation of the *three rules* by their authors, we are remitted to the laws of neutrality as understood before the attempt to define neutral obligations by municipal or by conventional law. Though it is conceded that munitions of war may be sold in a neutral country to be used against a nation at peace with it, and though a ship fitted out for war may be sent across the ocean to seek a purchaser, it is contended that she cannot be sold at home to a belligerent. There can be no other ground on which to rest the distinction than that which was assumed by President Washington's administration, and which connects itself with the well-recognized rule forbidding, in all cases, a neutral to permit his territory to be used as the basis of hostile operations whether by sea or by land. It was against the use of the port, not against the sale of ships, that the proclamation of 1793 was directed. It was from confounding the right to build and sell a ship of war in a neutral port, with the equipment and dispatch from it of a hostile expedition, that all the difficulty has arisen.

The prior portions of this note are, as I have stated, by Mr. W. B. Lawrence. I have discussed the question at large in my *Commentaries on American Law* (1884), §§ 118 et seq., 244. F. W.

## TABLE OF CASES.

A.	SECTION
Aaron v. State, 31 Ga. 167	317, 486 a
Abarr, State v. 39 Iowa,	185 457
Abbey, State v. 29 Vt. 60	1701, 1710, 1713
Abbot of St. Bennet's v. Mayor, etc., of Norwich, Y. B., 21 Ed. IV. 7, 13	91
Abbott, People v. 53 Cal. 284	856, 963, 965
People v. 19 Wend. 192	568
R. v. 2 C. & K. 630; 1 Den. 273 1156, 1161, 1180, 1198	
State v. 20 Vt. 537	1082 d
State v. 8 W. Va. 741	488
v. Mills, 3 Vt. 521	31 b
v. People, 75 N. Y. 602	1135
v. Rose, 62 Me. 194	696
v. State, 59 Ind. 70	668
Abernethy v. Com., 101 Penn. St. 322	381, 456, 488
Abingdon, R. v. 1 Esp. 226	1634, 1635, 1639
Ableman v. Booth, 21 How. 506	268
Abrahams, State v. 6 Iowa, 117	1422, 1460
Abrahah, R. v. 2 Leach, 824; 2 East P. C. 569	956, 962 a, 962 b
Abram, State v. 10 Ala. 928	581
Abrams v. Foshee, 3 Clarke (Iowa), 274	592
v. People, 6 Hun, 491	963
U. S. v. 21 Blatch. 553; 17 Rep. 36	749
Absence, State v. 4 Port. 397	214
Abt v. Burghheim, 80 Ill. 92	624
Acker v. Com., 94 Penn. St. 284	857
Adams, Com. v. 7 Gray, 43	1001, 1005
Com. v. 109 Mass. 344	1450, 1465 b, 1466
Com. v. 114 Mass. 323	120, 603
Com. v. 127 Mass. 15	237, 238, 598, 599
Adcock, State v. 65 Mo. 590	1667
Addis, R. v. 1 Cox, 78	886
Aden, R. v. 12 Cox, 512	970, 1055, 1058
Adey, R. v. 1 Den. C. C. 571	1014,* 1018
Adkinson v. State, 5 Baxt. 569	771
Adler v. State, 55 Ala. 16	88, 1505 665

TABLE OF CASES.

	SECTION
Edwards, People v. 5 Mich. 22	610
Ady, R. v. 7 C. & P. 140	149,
	1190, 1218
Agee, State, v. 64 Ind. 640	644
v. State, 25 Ala. 67	1499
Agitone v. State, 41 Tex. 501	606
Agler, Com. v. Thach. C. C. 412	1835
Ah Chew, 16 Nev. 50	1505
Ah Choy, People v. 1 Idaho, N. S. 317	393
Ahearn, R. v. 6 Cox C. C. 6	1389,
	1407
Ah Fat, People v. 48 Cal. 61	155, 157,
	158, 160
Ah King v. People, 5 Hun, 297	1685
Ah Lee, State v. 8 Oreg. 214	315
Ah Loi, State v. 5 Nev. 99	857
Ah Luck, People v. 62 Cal. 503	308 a
Ah Mook, State v. 12 Nev. 144	380
Ah Ooon, People v. 56 Cal. 188	1465,
	1465 a
Ah Ping, People v. 27 Cal. 489	211
Ah Sam, People v. 41 Cal. 645	720
State v. 7 Oreg. 477	1307
	1313
Ah Woo, People v. 28 Cal. 205	728,
	729
Ah Yek, People v. 29 Cal. 575	572
Ah Yem, People v. 53 Cal. 246	1465 b,
	1467
Aickles, R. v. 1 Leach, 294; 2 East P. C. 675	657, 660, 879, 966
Aiken v. State, 10 Tex. Ap. 610	120,
	383
Aikens, State v. 32 Iowa, 403	1276
Ailstock, Com. v. 3 Grat. 650	536, 537
Ainsworth, State v. 11 Vt. 91	1508
v. State, 11 Tex. Ap. 339	884
Airey, R. v. 2 East, 30	1141, 1210,
	1227
Ake v. State, 30 Tex. 466; 31 Tex. 416	380
Alabama Case,	1901
Albany, Corporation of, People v. 11 Wend. 539	24, 91, 1423, 1485
Albrecht v. People, 78 Ill. 513	1519
Albrecht v. State, 6 Wis. 74	336
Alburger, Com. v. 1 Whart. 469	1415,
	1475
Alderman, State v. 40 Iowa, 375	1450
v. People, 4 Mich. 414	1340,
1348, 1358, 1381, 1382,	
	1400
Aldrich v. Howard, 8 R. I. 246	1412
v. People, 101 Ill. 16	988
v. Press Co. 9 Minn. 133	163
v. Wright, 53 N. H. 398	507,
	1100
Aldridge v. State, 50 Miss. 250	645

TABLE OF CASES.

	SECTION
Alexander, Com. v. 4 Hen. & Mun.	522
v. State, 1571, 1583	
R. v. 2 Craw. & Dix,	126
	566
R. v. 71 Law T. (Jour.)	41
	1627, 1649
R. v. 1 Leach, 74	1269
State v. 4 Hawks, 182	1257
State v. 56 Mo. 131	819
State v. 66 Mo. 148	474
State v. 74 N. C. 232	925
State v. 7 Rich. 5	1544
v. Angle, 7 Bing. 119;	
1 C. & J. 143	1660
v. State, 3 Heisk. 475	519
v. State, 48 Ind. 394	1466
v. State, 12 Tex. 540	149
v. State, 8 Tex. Ap.	546
	414
Alexandra, The, 11 H. & C. 431	
	1908, n.
Alford, State v. 68 N. C. 322	632
	State v. 80 N. C. 445
Alfred, State v. 84 N. C. 749	432
	1166
Alger, People v. 1 Parker C. R. 333	
	1758
Alison, State v. 3 Yerg. 428	1545
Allan, R. v. C. & M. 295	1673,
	1677, 1678
R. v. 2 Up. Can. Q. B. (O. S.) 97	1415
Allday, R. v. 8 C. & P. 136	87
Alleghany v. Zimmerman, 95 Penn. St. 287	17, 1415, 1474
Alien, Com. v. 15 Ben. Mon. 1	1498 a
People v. 5 Denio, 76	1019, 1043
R. v. Append. to St. Cr. Law Dig.	414
R. v. 7 C. & P. 153	125, 337,
	352, 406
R. v. 9 C. & P. 31	555
R. v. 1 Den. C. C. 364; 3 Cox C. C. 270; T. & M.	
55; 2 C. & K. 869	580
R. v. L. R. 1 C. C. 367	1682,
	1689
R. v. 17 L. T. N. S. 222	425,
	426, 444
R. v. 1 Mood. C. C. 494	269
R. v. 2 Mood. C. C. 179	571
State v. 47 Conn. 121	187, 214
State v. 32 Iowa, 348	1498 a
State v. 72 N. C. 114	1068
State v. 1 McCord, 525	1843,
	1650
State v. R. M. Charlton, 518	
	951
v. Hillman, 12 Pick. 101	1595
v. Martin, 10 Wend. 300	439
v. People, 82 Ill. 610	844
Allen v. State, 40 Ala. 334	766, 770
v. State, 52 Ala. 391	628
v. State, 28 Ga. 395	182,
	606, 628
v. State, 10 Ohio St. 287	793,
	830, 837
v. State, 14 Tex. 633	1519
v. State, 42 Tex. 12	1286
v. State, 5 Yerg. 483	470
Alley, State v. 68 Mo. 124	645
Allison, R. v. 8 C. & P. 410	216, 448
State v. 90 N. C. 734	1078,
	1079
v. State, 42 Ind. 354	1071,
	1082
v. State, 14 Tex. Ap. 122	
	149
v. State, 15 Tex. Ap. 320	
	1453
Allmond, State v. 2 Houst. 612	1530
Allred, State v. 84 N. C. 749	1123,
	1162
Allsup v. State, 5 Lea, 362	388
Almeida, U. S. v. Whar. Prec. 1061	
	1880
Almon, R. v. 5 Burr. 2686	247, 1627
Alonzo v. State, 15 Tex. Ap. 378	1737
Alphin, State v. 84 N. C. 745	1166
Alsabrooks v. State, 52 Ala. 24	1733
Alsey v. State, 39 Ala. 664	930
Alsop, R. v. 11 Cox C. C. 264	1276,
	1277
Ambrose, in re, Phill. N. C. 91	634
Ambs, State v. 20 Mo. 214	1431,
	1431 c, 1454
Amedy, U. S. v. 11 Wheat. 392	1894
Am. Life Ins. Co. v. Rosenagle, 77 Penn. St. 507	1701
Ames's Case, 2 Greenl. 365	682, 686
Ames, State v. 64 Me. 386	1332, 1333
State v. 1 Mo. 372	1466
U. S. v. 9 Bost. L. Rep. 296	264
Aminhisir, U. S. v. 2 Wheel. C. C. xliv.	1823
Amistad de Rues, La, 5 Wheat. 385	
	1908, n.
Ammons, State v. 3 Murph. 123	1244,
	1297, 1314
Amor v. State, 10 Humph. 117	1224
Amphlit, R. v. 6 D. & R. 126; 4 B. & C. 35	1622
Amy, U. S. v. 14 Md. 152, n.	293
Anders, State v. 8 Ired. 15	1104, 1111
Andersch v. State, 43 Conn. 514	46
Anderson's Case, Jour. of Congress, Jan. 1818	1613
Anderson, ex parte, 16 Iowa, 595	267
Anderson, People v. 44 Cal. 65	488, 606
People v. 14 Johns. 294	
	902, 909, 964, 967
Angel v. Com., 2 Va. Cas. 228	
	28
Anderson, R. v. L. R. 1 C. C. 161;	
11 Cox C. C. 198	269,
	275, 277, 292
R. v. 2 M. & Rob. 469	1344
R. v. 1 Russ. Cr. 731	474
State v. 30 Ark. 131	1431,
	1431 c, 1465 c
State v. 1 Hill (S. C.), 327	402, 403, 412, 414
State v. 47 Iowa, 142	888,
	1214, 1215
State v. 30 La. An. 557	683,
	709
State v. 25 Minn. 66	965
State v. 19 Mo. 241	568
State v. 4 Nev. 265	455
State v. 10 Oreg. 448	381
State v. 2 Tenn. 6	377
U. S. v. 1 Brunf. 422	1889
U. S. v. Cooke, 143	268
v. Com., 9 Bush, 569	1506
v. Com., 5 Rand. (Va.) 627	1361, 1720, 1741
v. People, 63 Ill. 53	1499
v. State, 48 Ala. 665	816
v. State, 65 Ala. 553	682
v. State, 34 Ark. 257	574
v. State, 6 Baxt. 608	621
v. State, 42 Ga. 9	35
v. State, 63 Ga. 675	244
v. State, 3 Head, 455	631,
	632
v. State, 28 Ind. 22	857
v. State, 39 Ind. 553	135,
	247
v. State, 22 Ohio St. 305	
	1247, 1503
v. State, 5 Pike, 444	517
v. State, 9 Tex. Ap. 677	
	1467 a
v. State, 14 Tex. Ap. 49	
	915
v. State, 41 Wis. 430	557
Andre v. State, 5 Iowa, 389	
Andrews, Com. v. 2 Mass. 14, 409	
	291, 930, 994, 1006
Com. v. 3 Mass. 126	237
Com. v. 132 Mass. 263	1378,
	1379, 1396
State v. 28 Mo. 17	1499,
	1522
State v. 43 Mo. 470	1465 a,
	1467-
State v. 2 Tenn. 6	380
U. S. v. 2 Story, 203	28
v. People, 60 Ill. 354	89,
	788, 983
v. State, 3 Heisk. 165	1557
Angel v. Com., 2 Va. Cas. 228	
	28

TABLE OF CASES.

	SECTION		SECTION
Angell v. State, 36 Tex. 542	107, 120, 317, 413	Armington, R. v. 25 Minn. 29	1695, 1705, 1714
Angelo v. People, 96 Ill. 132	68	Armitage v. State, 13 Ind. 441	721
Ann, The, 1 Gallis. 62	84, 86	Armory v. Delamirie, 1 Sm. L. C.	
v. State, 11 Humph. 159	346, 365	357	938
Annett, R. v. 2 Burn E. L. 217	1605	Armour v. State, 3 Humph. 379	783, 785, 790
Anon. 12 Abb. Ca. 458	1431 a, 1431 c	Armstrong, Com. v. 7 Gray, 49	1508
1 Cox C. C. 250	706, 752	Com. v. 11 Phila. 658	1537
5 Cox C. C. 279	335, 360, 1566	State v. 4 Minn. 335,	1720, 1736
1 East P. C. 261	374	U. S. v. 2 Curt. C. C.	
1 East P. C. 305	443	446	292
2 East P. C. 556	923	U. S. v. 13 Wall. 154	1801
2 East P. C. 652	937	v. People, 70 N. Y. 38	1763
1 Haz. U. S. Reg. 263	652 a	v. State, 4 Blackf. 247	1465
Loft. 556	91	Arnold, People v. 46 Mich. 268	1344, 1382, 1383, 1396, 1397
31 Me. 592	819	State v. 13 Ired. 185	67, 73, 1812 a
12 Mod. 559	91, 1413	v. Com. (Ky. 1884)	465
2 T. R. 573	93	v. State, 48 Iowa, 566	1398
2 Tyler, 387	902	53 Ga. 574	1688, 1700, 1701, 1705
1 Wash. C. C. 84	254, 256	v. Steeves, 10 Wend. 514	426
1 Wheel. C. C. 381	561	Aro, People v. 6 Cal. 207	312, 512, 537
Anschickov v. State, 6 Tex. Ap. 524	557	Arscott, R. v. 6 C. & P. 408	679
Antelope, The, 10 Wheat. 66	1892	Art Union, Governors, etc. v. 7 N.	
Anthony, People v. 4 Johns. 198	1097, 1105, 1110	Y. 228	1491
State v. 7 Ired. 234	857	People v. 7 N. Y. 240	1491
State v. 1 McCord, 285	221	Arundel v. McCulloch, 10 Mass. 70	
U. S. v. 11 Blatch. 200	84, 85 a, 1835	Ash v. State, 56 Ga. 583	644, 645 d
v. State, 29 Ala. 27	192	Ashbrook v. Com., 1 Bush, 139	1412, 1415, 1440
v. State, 1 Meigs, 265	377	Ashburn, R. v. 8 C. & P. 50	1324
Antonio, People v. 27 Cal. 404	282 a	v. State, 15 Ga. 246	1251
State v. 3 Brev. 562	266	Ashby, R. v. 2 F. & P. 560	660
Antrobus, R. v. 2 Ad. & El. 788	1571	Ashley's Case, 12 Co. 90	1376
Apel, State v. 14 Tex. 428	902	Ashley, Com. v. 2 Gray, 356	1450, 1498 a
App v. State, 90 Ind. 73	1466	People v. 92 Ind. 559	1511
Appling, State v. 25 Mo. 315	19, 1432, 1603, 1606	Ashman, R. v. 1 F. & F. 88	315
v. State, 10 Ala. 180	1466	Ashton, Com. v. 125 Mass. 384	1466
Arbintrob v. State, 67 Ind. 267	1514	R. v. 2 B. & Ad. 750	1082 a
Arbogast, State v. 24 Mo. 363	1514	R. v. 1 E. & B. 286	1465 a
Archer, R. v. Dears. 449, 6 Cox C.		1465 b, 1466	
C. 515	1144, 1147	State v. 68 Ga. 25	798, 803, 816
R. v. 1 F. & F. 351	305, 324, 344, 396, 500	U. S. v. 2 Sumner, 13	95, 1879, 1880
R. v. 1 Mood. C. C. 143	79	Askey v. State, 15 Tex. Ap. 558	1465
v. State, 45 Md. 33	1518, 1519	Aspinall, R. v. L. R. 1 Q. B. D.	
v. State, 10 Tex. Ap. 482		730, 13 Cox C. C. 563; 36 L.	
1431 a, 1454		T. (N. S.) 297	1347, 1374
Ardaga, People v. 51 Cal. 371	565	Asten, R. v. 2 C. & K. 413	1062 a
Arden v. State, 11 Conn. 408	1257	Asterly, R. v. 7. C. & P. 191	1146, 1174, 1190
Ardery v. State, 56 Ind. 328	1468	Astley, R. v. 2 East P. C. 712	851
Ardley, R. v. L. R. 1 C. C. 301	1157	Aston, R. v. 2 Cox C. C. 234	1026, 1039
Argo, The, 1 Gallis. 150	96		
Arman, R. v. 7 Cox C. C. 45;			
Dears. 575.	1023		
Armendariz v. Stillman, 54 Tex. 623	288		
Armfield, State v. 5 Ired. 207	1094, 1112		

TABLE OF CASES.

	SECTION		SECTION
Atchison, State v. 3 Lea, 729	1628 a	Ayer, Conn. v. 3 Cush. 150	682
Athea, R. v. 1 Mood. C. C. 329	803	State v. 3 Post. 301	810, 818, 938
Atherton, State v. 50 Iowa, 189	560	v. Norwich, 39 Conn. 376	1474
Atkins, Com. v. 136 Mass. 160	1515	Ayers, State v. 8 Baxt. 96	225, 279, 287
State v. 60 Ala. 451	1512 a, 1518 a	Ayes, R. v. R. & R. 166	49, 54, 457, 471, 472
State v. 42 Vt. 252	1595, 1600, 1661	Aylett, R. v. 1 T. R. 63	1303
U. S. v. 1 Sprague, 558	1246, 1250	Ayley, R. v. 15 Cox C. C. 328	1709
v. State, 16 Ark. 568	476	Aymette v. State, 3 Humph. 154	1557
Atkinson, R. v. 7 C. & P. 669	677	Ayres, State v. 60 Miss. 709	484
R. v. 11 Cox C. C. 330	211, 1542	Azzopardi, R. v. 1 C. & K. 203	275, 277
			B.
Babcock, People v. 7 Johns. 201	1116, 1126	Babcock, People v. 11 Wend. 586	1473
		State v. 1 Vroom, 29	288
		State v. 51 Vt. 570	826, 843
		U. S. v. 3 Dill. 581	1373, 1398
		U. S. v. 4 McLean, 113	254, 256, 1270, 1286
		v. Buffalo, 56 N. Y. 268	1426
Babson v. Rockport, 101 Mass. 93	164	Baccigalopo v. Com., 33 Grat. 807	61
Baccio v. People, 41 N. Y. 265	566	Baccio v. People, 41 N. Y. 265	566
Bacon, Com. v. 108 Mass. 26	1498 a	Bacon, Com. v. 108 Mass. 26	1498 a
R. v. 11 Cox C. C. 540	1257	R. v. 11 Cox C. C. 540	1257
State v. 7 Vt. 219	1226	State v. 7 Vt. 219	1226
State v. 41 Vt. 526	1526	State v. 41 Vt. 526	1526
Badcock, R. v. R. & R. 249	219, 710	Badcock, R. v. R. & R. 249	219, 710
Bader, U. S. v. 4 Woods, 189 ; 10		Bader, U. S. v. 4 Woods, 189 ; 10	
Fed. Rep. 116	1832, 1846	Fed. Rep. 116	1832, 1846
Badgeley, People v. 16 Wend. 53	730	Badgeley, People v. 16 Wend. 53	730
Badger, R. v. 4 Q. B. 468	1572	Badger, R. v. 4 Q. B. 468	1572
R. v. 6 Jur. 794	1571	R. v. 6 Jur. 794	1571
Baer, U. S. v. 18 Blatch. 493	1305	Baer, U. S. v. 18 Blatch. 493	1305
Baggerley, State v. 21 Tex. 757	1210	Baggerley, State v. 21 Tex. 757	1210
Bagley, Com. v. 7 Pick. 279	84, 1212, 1574, 1575, 1576	Bagley, Com. v. 7 Pick. 279	84, 1212, 1574, 1575, 1576
v. State, 1 Humph. 486	1466	v. State, 1 Humph. 486	1466
Bailey, Com. v. 1 Mass. 62	731	Bailey, Com. v. 1 Mass. 62	731
People v. 23 Cal. 577	1061	People v. 23 Cal. 577	1061
R. v. 4 Cox C. C. 390	1371	R. v. 4 Cox C. C. 390	1371
R. v. 7 Cox C. C. 179 ; D.		R. v. 7 Cox C. C. 179 ; D.	
& B. 600	1046	& B. 600	1046
R. v. 12 Cox C. C. 56	1016, 1021	R. v. 12 Cox C. C. 56	1016, 1021
R. v. L. R. 1 C. C. 347	652, 893, 897, 898, 914	R. v. L. R. 1 C. C. 347	652, 893, 897, 898, 914
C. C. 184	918, 919	R. v. 1 Mood. C. C. 23	788, 802
State v. 7 Conn. 266	149, 179, 1594, 1595, 1618, 1720, 1738	R. v. R. & R. 341	775
State v. 64 N. C. 608	459	State v. 3 Blackf. 209	1545
State v. 44 N. H. 392	53, 1070, 1082 d	State v. 10 Conn. 144	782, 792
		State v. 21 Me. 62	1833, 1836
Aydelott, State v. 7 Blackf. 157	1080	Aydelott, State v. 7 Blackf. 157	1080
Ayer's Case, 4 Ct. of Cl. 429	1803	Ayer's Case, 4 Ct. of Cl. 429	1803
		State v. 34 Mo. 360	1276
		669	

TABLE OF CASES.

SECTION		SECTION
Bailey, State v. 1 Post. (N. H.) 185, 343 130, 1449, 1450, 1457, 1498		Baldwin v. State, 2 Ill. 304 926 v. State, 15 Tex. Ap. 276 560
State v. 11 Post. (N. H.) 521 1314		Bales v. State, 3 W. Va. 685 48, 882 a
U. S. v. 9 Pet. 238 266, 1257, 1265, 1270, 1275		Balkum v. State, 40 Ala. 671 487
v. Com. 11 Bush, 688 1557		Balt's Case, 3 City Hall Rec. 85 830
v. Dean, 5 Barb. 297 1603		Ball, R. v. C. & M. 249 1157, 1186, 1229, 1230
v. Hammond, 7 Ves. 590 1706		R. v. 6 Cox C. C. 360 1266
v. State, 58 Ala. 414 958		R. v. 1 Mood. C. C. 30 787, 803, 836
v. State, 70 Ga. 617 303, 380		R. v. R. & R. 132 715
v. State, 26 Ind. 422 48		r. Com., Ky. 1884 61
v. State, 52 Ind. 462 902		v. Roy, L. R. 8 Ch. 464 1412, 1438
Baillie, R. v. 8 Cox C. C. 238 1756		v. State, 50 Ind. 595 1506
Bain, R. v. L. & C. 129; 9 Cox C. C. 98 181, 822		Ballard, State v. 2 Murph. 186 733
v. State, 61 Ala. 75 1506, 1512 a		U. S. v. 13 Int. Rec. 195 1838
v. State, 70 Ala. 4 485, 486 a		v. Pope, 3 Up. Can. (Q. B.) 320 1572 b
Baines, R. v. 6 Mod. 192 1574, 1576		Ballou, Com. v. 124 Mass. 26 1427, 1450
Baird, Com. v. 1 Ashm. 267 634		Balls, R. v. L. R. 1 C. C. 328 1044
Com. v. 4 S. & R. 141 1498 a		R. v. 1 Mood. C. C. 470 715
Bake, R. v. 3 Burr. 1731 1085, 1086, 1107		Balme, R. v. 2 Cowp. 648 26
Bakeman, Com. v. 105 Mass. 53 1346, 1720, 1724		Balt. Steam Co., State v. 13 Md. 181 88 & Ohio R. R., State v. 15 W. Va. 362 91
Com. v. 131 Mass. 577 562,		Bamford v. Turnley, 3 B. & S. 62 1412
1720, 1751		Banbury v. Page, 8 Q. B. D. 197 1412
Baker, People v. 76 N. Y. 78 690		Bancroft, State v. 7 Kan. 170 1044, 1057
People v. 96 N. Y. 340 1770, 1175, 1184		State v. 10 N. H. 105 807, 808
R. v. 3 Cox C. C. 581 782		v. Mitchell, L. R. 2 Q. B. 549 15
R. v. 47 Eng. C. L. 253 606		Bang v. State, 60 Miss. 571 487, 488
R. v. 1 Leach, 299 854		Bangor, R. v. 1 Russ. on Cr. 388 1549
R. v. 11 Mod. 235 1107		Bangs, Com. v. 9 Mass. 387 592
State v. 1 Jones (N. C.), 267 157		r. Little, Ware, 506 1872
State v. 71 Mo. 495 1503		Bank of Alex. v. Dyer, 14 Pet. 141 1691
State v. 74 Mo. 394 1427		Banks, R. v. 12 Cox C. C. 393 1364, 1403
State v. 63 N. C. 276 526, 540		R. v. R. & R. 441 909, 963, 964, 967
State v. 65 N. C. 332 607, 611		Bankus v. State, 4 Ind. 114 84, 1411, 1412, 1715, 1725
U. S. v. 5 Blatch. 6 270, 1860, 1862, 1864		Bannen, R. v. 1 C. & K. 295 149, 917
v. People, 2 Hill (N. Y.), 325 1695		Bantley, State v. 44 Conn. 537 157, 159, 162
v. People, 105 Ill. 402 597		Barada v. State, 13 Mo. 94 1465
v. State, 49 Ala. 350 1557		Barber v. Root, 10 Mass. 260 1695
v. State, 17 Fla. 406 884		v. State, 13 Fla. 675 591
v. State, 83 N. C. 649 1554		v. State, 50 Md. 161 1692, 1708, 1713, 1714
v. State, 29 Ohio St. 184 902		v. State, 39 Ohio St. 660 742
v. State, 31 Ohio St. 314 1222		Bard v. State, 55 Ga. 319 640
v. State, 6 Tex. Ap. 344 1055		Bardon, State v. 1 Dev. 518 223
v. State, 14 Tex. Ap. 332 1180, 119, 1215, 1217, 1227		Barefield v. State, 14 Ala. 603 1572 b, 1857, 1866
Balch, State v. 31 Kan. 465 1636		
Baldwin, Com. v. 11 Gray, 197 660, 663, 669		
People v. 1 Crim. Rec. (N. Y.) 286 1432 b		
State v. 1 Dev. & Bat. 195 1410, 1428, 1431		

TABLE OF CASES.

SECTION		SECTION
Barefoot, State v. 2 Rich. 209		Barnhouse v. State, 31 Ohio St. 39 1752
v. State, 89 N. C. 565 1072		Barnum v. State, 15 Ohio, 717 664, 665, 682, 684
Barfield, State v. 7 Ired. 299		Barnwell, State v. 89 N. C. 466 477
v. State, 29 Ga. 127 657		Baron v. People, 1 Parker C. R. 246 237, 287
Barger, Com. v. Whart. Prec. 607 n.; 14 Phila. 368 1348		Barr, State v. 39 Conn. 40 1431 a, 1458
Barham, State v. 79 N. C. 646 1432, 1603		Barrackmore, State v. 47 Iowa, 684 884
v. Nethersal, 4 Co. 20 a 1660		Barrant, R. v. 9 C. & P. 387 1764
Barkelow, People v. 37 Mich. 455 1358		R. v. L. R. 2 C. C. 81; 12 Cox C. C. 498 560
Barker, Com. v. 133 Mass. 399 1667		Barrett, Com. v. 108 Mass. 302 142 ex parte, 42 Barb. 479 267
Com. v. 8 Phila. 613 1193		R. v. 2 C. & K. 343 125, 320, 333, 337, 406
R. v. 3 C. & P. 589 564, 568		R. v. 6 C. & P. 124 1063
R. v. 1 D. & R. (N. P.) 19 1023		R. v. I. & C. 263 1459
State v. 2 Gill & J. 246 1493		v. Third Ave. R. R. Co., 45 N. Y. 628 356
State v. 64 Mo. 282 819		Barronet, R. v. Dears. 51; 1 E. & B. 1 84, 85 a
State v. 18 Vt. 195 1431		Barrow, R. v. L. R. 1 C. C. 156; 11 Cox C. C. 191 561, 563
U. S. v. 5 Mason, 404 1877, 1880		State v. 31 La. An. 691 1704 a, 1708
v. Com. 19 Penn. St. 412 19, 1432, 1443, 1474, 1603, 1606		Barrows v. Bell, 7 Gray, 301 1641, 1659
Barley, R. v. E. & R. 1 86		Barry, Com. v. 115 Mass. 146 75, 81, 1509
Barlow's Case, 8 West. Law J. 567 267		Com. v. 116 Mass. 1 266, 943 b, 956, 960, 962, 982
Barlow, Com. v. 4 Mass. 439 173, 640, 640 a		Com. v. 124 Mass. 325 963
Barnacle, Com. v. 134 Mass. 216 39, 489		Com. v. 125 Mass. 390 966
Barnard, R. v. 7 C. & P. 784 1147, 1170		ex parte, 2 How. 65 268
State v. 88 N. C. 661 1082 d		R. v. 8 Cox C. C. 129 1019
Barnard's Trial, Pamp. 1571		R. v. 10 Cox C. C. 539 1270, 1312
Barnes, Com. v. 132 Mass. 242 1342, 1351		R. v. 2 Den. 59; T. & M. 387 961, 965, 1140, 1164
ex parte, 1 Sprague, 133 268		v. Com., 2 Dana, 388 1501
R. v. 2 How. 65 268		v. Hurd, 11 Mass. 57 355
People v. 31 Cal. 357 377		v. State, 19 Conn. 398 88, 135, 247, 1503, 1507, 1512 a
People v. 63 Cal. 1 1279		v. State, 20 Conn. 232 1515
R. v. 4 F. & F. 389 1341 a, 1387, 1402, 1403		v. State, 34 La. An. 395 157
v. Mercein, 5 How. 103 268		v. State, 25 Tex. 654 1465 c
Barter, State v. 58 N. H. 604 1022, 1047		v. State, 9 Tex. Ap. 128 853
		v. Ward, 9 C. B. 392, 420 464, 1474
Barth v. State, 18 Conn. 432 1528 a		Barnesciotta v. People, 10 Hun, 137 1449
Bartholemey v. People, 2 Hill (N. Y.), 248 1595; 1644 a, 1649		Earnett v. People, 54 Ill. 325 542
Barthelow v. State, 26 Tex. 175 1672		v. State, 54 Ala. 579 91
Bartholomew v. People, 104 Ill. 605 49		v. State, 38 Ohio St. 7 797 a
R. v. 1 C. & K. 366 1304		Barney, Com. v. 10 Cush. 478 835
Bartlay, State v. 34 La. An. 147 519		U. S. v. 5 Blatch. C. C. 294 256, 260
Bartlett, R. v. Deac. C. L. 1517 1082 a		U. S. v. 3 Hughes, 545 1822
State v. 30 Me. 132 1343, 1348, 1382		v. People, 22 Ill. 160 565
State v. 53 Me. 436 1730		
State v. 55 Me. 200 820, 979		
State v. 11 Vt. 650 291, 930		
Barton, R. v. 3 Cox C. C. 275 34, 35, 46		
U. S. v. Gilpin, 439 1257		
v. State, 7 Baxt. 105 1557		
671		

TABLE OF CASES.

SECTION		SECTION
Bartow v. People, 78 N. Y. 377	1030,	Beale, R. v. 10 Cox C. C. 157; L.
	1043	R. I. C. C. 10 577
Bass, R. v. 2 East P. C. 566	956	R. v. cited 1 East, 183 1572 b,
U. S. v. 4 City Hall Rec. 161		1857
Bassett v. State, 41 Ind. 303	1864	v. State, 54 Ala. 460 935
Bassford, Com. v. 6 Hill, 526	1864	Beall v. State, 68 Ga. 820 868, 885
Batchelder, People v. 27 Cal. 69	487 a	Beals, Com. v. 133 Mass. 396 629
State v. 26 Iowa, 96	1607,	Beaman, Com. v. 8 Gray, 497 871, 875,
	1674	928
State v. 5 N. H. 549	1078	R. v. C. & M. 595 956, 963
U. S. v. 2 Gallis, 15	650	Beamish, Com. v. 81 Penn. St. 339
Bate's Case, 4 Ct. of Cl. 569	1803	
Bate, R. v. 11 Cox C. C. 686	600	Bean, Com. v. 11 Cush. 414 1078
Bates, People v. 1 Parker C. R. 27	576 a	Com. v. 117 Mass. 141 988
State v. 10 Conn. 372	1733	State v. 19 Vt. 530 728
U. S. v. 11 Biss. 70	182, 1831	Beard, R. v. 8 C. & P. 143 148, 668,
Bathrick, Com. v. 6 Cush. 267	1522 a	669
Batt, R. r. 6 C. & P. 329	119	R. v. 1 Jebb, 9 909
Batting, People v. 49 How. Pr. 392	52, 379	State v. 1 Dutch. 384 1304
		Beardsall, R. v. 1 F. & F. 529 669
Battis, Com. v. 1 Mass. 95	58	Beasley v. People, 89 Ill. 571 325, 450,
Battiste, U. S. v. 2 Sumner, 240	1889	571, 1491, 1499
Batty, R. v. 2 Mood. C. C. 257	1019,	v. State, 18 Ala. 535 192
	1023	v. State, 50 Ala. 149 48
v. Marrett, 5 C. B. 818	1465 a	v. State, 59 Ala. 20 1168,
Bangh, U. S. v. 1 Fed. Rep. 754;	1 Hughes, 501	1179, 1218
	1829	v. State, 5 Lea, 705 1557
Banman, State v. 59 Iowa, 68	728 a	Beasom, State v. 40 N. H. 367 650
Banmer v. State, 49 Ind. 544	1752	Beason v. State, 72 Ala. 191 979
Baumhager, State v. 28 Minn. 226	1063	Beatson v. Skene, 5 H. & N. 838 1831,
Baxendale v. Murray, L. R. 2 Ch.	790	1635
	1477	Beattie v. Lord Ebury, L. R. 7 Ch.
Baxter v. Abbott, 7 Gray, 71	65	Ap. 777 1152
v. People, 3 Gilman, 368	237,	Beatty, State v. Phil. (N. C.) 52 997
	238, 522	v. Gilbanks, 44 L. T. N. S.
Bayard v. McLane, 3 Harring. 139	1854	194 97 a, 1535
Bayaud, U. S. v. 21 Blatch. 217,		v. State, 61 Miss. 18 863,
287; 15 Rep. 200, 520;		885
16 Fed. Rep. 376	88	Beatty, U. S. v. Hemp. 489 247
Bayer, U. S. v. 13 Bk. Reg. 403; 4	Dillon, 407 211 b, 1340 a, 1351	v. Glenister, 51 L. T. 304 1535
Baylis, R. v. 3 Burr, 1318	1573	v. State, 52 Ind. 228 1045
Baynes v. Brewster, 11 L. J. M. C.	5 429	Beaumont, R. v. Dears. 270; 6 Cox
	1018, 1025, 1038, 1044,	C. C. 269 1032
C. & P. 310 1062 a		Beavan, R. v. R. & M. (N. P.) 242
Beach v. People, 11 Mich. 106	1478	1106
Beacon, State v. 17 S. C. 55	644	Beaver, People v. 49 Cal. 57 811, 813
Beady, R. v. 3 Cox C. C. 425	79	Bechtelheimer v. State, 54 Ind. 128
Beal, ex parte, L. R. 3 Q. B. 382	27	385, 610
State v. 37 Ohio St. 108	186, 812,	Beck, People v. 21 Cal. 385 857
v. State, 15 Ind. 378	291, 930	State v. 1 Hill (S. C.) 363 141,
	820	142, 636
Beale, Com. v. Phila. Q. S. 1854, 2	W. & S. Med. Jur. §§ 245, 282	Beckett, R. v. 1 M. & R. 526 533
	555, 562, 565	Beckham v. Nocke, 56 Mo. 546 88
Beckwith v. Griswold, 29 Barb. 291		Beckwith v. Philby, 6 B. & C. 638
		1419
		v. People, 26 Ill. 500 641
Beckworth, State v. 68 Mo. 82	820	v. Stone, 7 Tex. Ap. 25 922
		v. Stone, 1 B. & P. 331 1598
		ex parte, 19 Fla. 608 862 a
		State v. 49 Iowa, 440 1757
		Bello Corrales, The, 6 Wheat. 152
		1905, 1908, n.

TABLE OF CASES.

SECTION		SECTION
Bedell v. Maitland, 44 L. T. N. S.		Bembridge, R. v. 3 Dong. 327 1572,
248		1572 a
Bedell, People v. 2 Hill (N. Y.),		519
196	1063	Benis, State v. 51 Mich. 422
v. State, 50 Miss. 492	640	1466
Bedford, R. v. Gilbert's Cases, 297		Benedict, State v. 11 Vt. 236
	1611	611
		U. S. r. 16 Blatch. 338
		1609, 1831
Beebe, State v. 13 Kans. 589		Benesch, R. v. Peake's Add. Cas.
	1669, 1675	93 1282
v. State, 6 Ind. 501	1530	Benfield, R. v. 2 Burr. 980 1603, 1610
Beecher v. Anderson, 45 Mich. 543		Benge, R. v. 4 F. & F. 504 338, 349
	1276	Benham, State v. 7 Conn. 414 318, 724
Beechey, R. v. R. & R. 319	1023, 1024,	State v. 23 Iowa, 154 484
	1026	Benjamin v. Storr, L. R. 9 C. P.
Beekman, State v. 3 Dutch. (N. J.)		400 31 b, 1473
124	1068, 1070	Benner, U. S. v. Bald. C. C. 234 87,
Beeler, State v. 1 Brev. 482	706, 752	649, 1899
Beere, R. v. 12 Mod. 221	1611	Bennet, State v. 14 Iowa, 479 291, 930
Beeson, R. v. 7 C. & P. 142	480	State v. 3 Harring. 565 1505
Beeston v. Beeston, L. R. 1 Ex. D.		U. S. v. 16 Blatch. 338 1831
13	1465 a	v. Bennet, 1 Deady, 299 268
Beeton, R. v. 2 C. & K. 960; 1 Den.		Bennett, Com. v. 108 Mass. 24 1499,
414	1004	1528 a
Beets v. State, Meigs, 108	220	Com. v. 118 Mass. 443 1061
Beggs v. State, 55 Ala. 108	1685, 1694	Com. v. 2 Va. Cas. 235 573,
Behrens v. State, 14 Tex. Ap. 121		578
	1072 a	Com. v. 8 Leigh, 749 377, 381
Bejandio, U. S. v. 1 Woods, 294	746	People v. 37 N. Y. 117 938
Belcher v. State, 8 Humph. 63	1733	R. v. R. & R. 289 760
Belden, People v. 37 Cal. 51	956	R. v. Bell C. C. 1; 8 Cox
	State v. 35 La. An. 823 1049	74 135, 154, 159, 166, 247,
Belding, Com. v. 13 Met. 10		341, 342, 344, 1426
	1191, 1416	R. v. 4 F. & F. 1105 141,
Belencia, People v. 21 Cal. 544	52, 54	142, 146, 577, 610, 612, 636
Belew, State v. 79 Mo. 584	1288	R. v. 5 Cox C. C. 207; 3
	U. S. v. 2 Brock. 280	C. & K. 124; 2 Den. 241
Belk, State v. 76 N. C. 10		1304
	87, 414, 649	R. v. 14 Cox C. C. 45 88, 1705
Bell, Penn. v. Addis, 171, 175	536	R. v. 21 Up. Can. (C. P.)
		238 1568
People v. 49 Cal. 486	61	State v. 4 Dev. & Bat. 43
State v. 5 Porter, 365	1422	1104, 1111
State v. 29 Iowa, 316	53, 54	U. S. v. 16 Blatch. 338;
State v. 50 Iowa, 317	1757	Alb. L. J., June 21,
State v. 2 Jones (N. C.) 337	1519	1879 1606, 1607
v. Graham, 1 N. & McCord,		U. S. v. 17 Blatch. 357 731
278	1556	v. State, Mart. & Yerg.
v. Quebec, 41 L. T. (N. S.)		133 48
451	1479	v. State, Rice Dig. 340 1093,
State v. 48 Ala. 684	542, 819, 821	1105
v. State, 4 Baxt. 522	866	v. State (57 Wis.), 4
v. State, 1 Swan, 42	19, 1432,	Crim. Law Mag. 378 45, 58
	1443, 1474, 1606, 1609	Bensley v. Bignold, 5 B. & Ald. 235 25
v. State, 5 Sneed, 507	1465 b,	Benson, People v. 6 Cal. 221 565, 568
	1466, 1491	R. v. 2 Camp. 508 1309, 1312
v. State, 7 Tex. Ap. 25	922	v. Offley, 2 Shaw, 270; 3
v. Stone, 1 B. & P. 331	1598	Mod. 121 223
ex parte, 19 Fla. 608	862 a	v. State, 1 Tex. Ap. 6 1082 d
State v. 49 Iowa, 440	1757	Bent, R. v. 1 Den. C. G. 157 1833,
		1835, 1838 a

TABLE OF CASES.

SECTION		SECTION	
Benthal, State v. 5 Humph. 519	1554	Bevans, U. S. v. 3 Wheat. 336	252,
State v. 82 N. C. 664	644		254, 260
Bentinek v. Connop, 5 Q. B. 693		Beverlin, State v. 30 Kan. 611	637
1465 a, 1467 a		Bevington v. State, 2 Ohio St. 160	720
Bentley, R. v. 4 Cox C. C. 406	419	Bew v. Hurston, L. R. 3 Q. B. D.	
State v. 6 Lea, 205	1557	454	1465 b
Benton, State v. 2 Dev. & Bat. 196	317	Beyer v. People, 86 N. Y. 369	586, 1765
Bentz, State v. 11 Mo. 27	76, 79, 81,	Bibb, State v. 68 Mo. 286	728 a
1449, 1455		Bickel v. Fasey, 33 Penn. St. 463	1348
Berdeaux v. Davis, 58 Ala. 611	174	Bickerstaff, R. v. 2 C. & K. 761	1827
Berdetta, State v. 73 Ind. 185	1474	Bicksler, U. S. v. 1 Mack. 341	720, 721
Bergen, <i>ex parte</i> , 14 Tex. Ap. 52	15 a,	Biddle, State v. 54 N. H. 379	1505
v. People, 17 Ill. 426	1753	v. Proprietors, 1 Mass. 169	93
	579	Biebusch, U. S. v. 1 McCr. 42	723
Bergin v. State, 31 Ohio St. 111	61	Bienvenu, R. v. 15 Low. Can. Jur.	
Bergman, State v. 6 Oregon, 341	293	181	1709
Berkshire, State v. 2 Ind. 207	130	Bierce, State v. 27 Conn. 319	1764, 1765
Berlin, State v. 42 Mo. 572	282, 1736	Biers, R. v. 1 Ad. & El. 327	1348
Bernard, R. v. 1 F. & F. 240	220, 287,	Bigelow, Com. v. 3 Pick. 31	1083
1397		Bigg, R. v. 1 Str. 18	678
U. S. v. (Trenton, 1819) 1823		Biggerstaff v. Com., 11 Bush, 169	
Berney v. State, 69 Ala. 233	1556 a		1251, 1263
Bernthall, State v. 82 N. C. 663	644,	Biggs v. State, 29 Ga. 723	459, 496
	645 d	Billbro v. State, 7 Humph. 534	1498 a
Berriman, R. v. 6 Cox C. C. 388	600	Biles v. Com., 32 Penn. St. 529	664,
Berrisford v. State, 66 Ga. 157	726		667, 684, 739
Berry, Com. v. 5 Gray, 93	1545	Bill, State v. 3 Harring. 571	641
Com. v. 99 Mass. 428	956, 1015,	Billingham, R. v. 2 C. & P. 234	142
	1027, 1030	Billings, State v. 72 Mo. 662	1582
Com. v. 109 Mass. 366	1520	Bingham v. State, 6 Tex. Ap. 641	641
Com. v. 116 Mass. 1	982	Binghamton Bridge, <i>in re</i> , 3 Wall.	
R. v. 4 T. R. 217	1615	51	1473
R. v. 8 Cox C. C. 117, 121	919,	Bingley, R. v. R. & R. 446	217, 219, 635
	1277	R. v. 5 C. & P. 602	857, 880,
v. Com., 10 Bush, 15	645 d		954
v. People, 1 N. Y. Cr. R. 43,	57	Binks v. So. Yorksh. R. Co., 3 B.	
	149	& S. 244	464
v. State, 10 Ga. 511	207, 819	Binns v. State, 66 Ind. 428	115, 380
	981 c	Birch, R. v. 1 Leach, 79 ; 2 W. Bl.	
v. State, 67 Ind. 222	1512 a	790	738
v. State, 31 Ohio St. 219	906	R. v. 1 Den. 185	544, 858
v. State, 4 Tex. Ap. 492	207	Birchall, R. v. 4 F. & F. 1087	134, 337,
v. State, 12 Tex. Ap. 249	1473,		349, 352
	1498 a	Birchfield, <i>ex parte</i> , 52 Ala. 377	1449
Berryman, R. v. 8 Nev. 262	865	Bird, <i>ex parte</i> , 19 Cal. 130	1431
Bertheol, State v. 6 Blackf. 474	1449	<i>in re</i> , 2 Sawy. 33	268
Bescher v. State, 32 Ind. 480	1518	R. v. 12 Cox C. C. 257	965, 974
Best, R. v. 2 Ld. Raym. 1167	1376,	R. v. 9 C. & P. 44	759, 773, 775,
	1378, 1397		938
R. v. 9 C. & P. 368	1559	R. v. T. & M. 437; 1 Den.	
Beswick, State v. 13 R. I. 211	31,	94; 5 Cox C. C. 11	199, 620
	1505, 1528, 1530 a	v. Com., 21 Grat. 800	1684, 1696,
Bethune v. State, 48 Ga. 505	792		1701, 1710
Bettison, <i>in re</i> , L. R. 4 Eee. 294	1432 a	v. Holbrook, 4 Bing. 628	464, 507
		v. Jones, 7 Q. B. 742	611
Betton, Com. v. 5 Cush. 427	826	v. State, 18 Fla. 493	393
Betts, R. v. Bell C. C. 90; 8 Cox		v. State, 55 Ga. 17	456
C. C. 140	962 b, 1030	Birdseye, R. v. 4 C. & P. 386	931
R. v. 16 Q. B. 1022	1416, 1474,	Birkett, R. v. R. & R. 251	677, 678,
	1477, 1478		728, 735

TABLE OF CASES.

SECTION		SECTION	
Birkett, R. v. R. & R. 86	703, 706, 713	Blackwell v. State, 36 Ark. 178	1512 c
Birmingham, State v. Busbee, 120	1508	v. State, 42 Ark. 275	1532
Birm. R. R. Co., R. v. 3 Q. B. 223;		v. Thompson, 2 St. & P.	
9 C. & P. 469	91, 92	348	1833 b
Birney v. State, 8 Ohio	230	Bladen, U. S. v. 1 Pet. C. C. 213	1880,
Biron, Com. v. 4 Dall. 125	457		1881
Birt, R. v. 5 C. & P. 154	1535	U. S. v. 8 Cr. C. 548	202
Bishop, People v. 5 Wend. 111	1559	Blades v. Higgs, 11 H. L. C. 621;	
R. v. C. & M. 302	1296	10 C. B. (N. S.) 713	869, 1112
R. v. 5 Q. B. D. 259	88	Blair, Com. v. 123 Mass. 242; S. C.	
State v. 1 Chip. (Vt.) 120		126 Mass. 40	325, 598
1299, 1301, 1316		State v. 13 Rich. 93	187, 1540,
State v. 8 Ired. 266	1465 b,		1542, 1545
	1766	People v. (Cal. 1884) 3 Cr. L.	
State v. 55 Vt. 287	793	Mag. 722	53
State v. 55 Md. 138	682, 695	v. State, 32 Tex. 474	1467 a
Biawell, R. v. 2 Cox C. C. 259	586, 1756	Blaisdell, Com. v. 107 Mass. 234	1474
Bitman, State v. 13 Iowa, 485	631	State v. 33 N. H. 388	1499,
Bittick v. State, 40 Tex. 117	644		1505, 1513
Bittinger, State v. 55 Mo. 596	1063	State v. 59 N. H. 329	1316
Bittings v. State, 56 Ind. 101	735	Blake, People v. 1 Wheeler C. C.	
Bivens v. State, 6 Eng. 455	380	490	18, 610, 1067
Bixby, People v. 67 Barb. 221	1458,	People v. (Mich. 1884), 17	
	1470	Rep. 561	1503
U. S. v. 10 Fed. Rep. 375;		R. v. 6 Q. B. 126	1359, 1401
10 Biss. 238	1063	State v. 39 Me. 322	573
Bixler, State v. 13 Md. L. Rec. 103		v. Barnard, 9 C. & P. 626	183,
			606, 609
		Blaker, Com. v. 1 Brewst. 311	631
		Blakeley v. State, 57 Miss. 680	1515
		Blakesley, State v. 38 Conn. 523	1452
		Blanchard, <i>ex parte</i> , 9 Nev. 101	15 a,
			1490
		People v. 90 N. Y. 314	
		1173, 1218	
		Blanding, Com. v. 3 Pick. 304	149,
		278, 288, 1614, 1625, 1634, 1639,	
			1643
		Blaney, Com. v. 133 Mass. 571	584,
			640
		Blau, State v. 69 Mo. 317	536
		Blauvelt, State v. 38 N. J. L. 306	1195,
			1221, 1225
		Bleasdale, R. v. 2 C. & K. 765	931
		Blemer v. People, 76 Ill. 265.	1465 b,
			1466
		Blenkinsop, R. v. 2 C. & K. 531;	
		1 Den. 276	657, 663, 677
		Blennerhasset, State v. 1 Walker,	
		7	618
		Bletz v. Columbia Bk., 87 Penn.	
		St. 87	266
		Blewitt, State v. 24 Miss. 606	1463
		Blok, R. v. 4 C. & P. 377	237
		Blimm v. Com., 7 Bush, 320	51
		Bliss v. Brainerd, 41 N. H. 262	1500
		v. Com., 2 Litt. 90	1557
		Com. v. 12 Philad. 580	1337
		v. Hall, 4 Bing. (N. C.) 185	
		1412, 1415	1438

TABLE OF CASES.

SECTION	SECTION
Bliss v. Lilley, 3 B. & S. 128	1441
Block v. State, 66 Ala. 493	1512 c
Blodget v. State, 3 Ind. 403	1511
Blodgett, Com. v. 12 Met. 57, 94, 283, 411, 590	
Bloodworth v. State, 6 Baxt. 614, 559, 560	
Bloom v. Richards, 2 Ohio St. 387	20
Bloomer v. State, 3 Sneed, 66 611, 637 v. State, 48 Md. 521	1349, 1371, 1397, 1398, 1400, 1401
Bloomfield, R. v. C. & M. 537	1143, 1184, 1200
Bloomhoff v. State, 3 Blackf. 205	1454, 1465
Blos, Com. v. 116 Mass. 56	1505
Bloss v. Tobey, 2 Pick. 320	830, 1595
Blow, R. v. 14 Cox C. C. 1	384
Blue v. Com., 4 Watts, 215	1668
Bluett v. State, 12 Tex. Ap. 39	820
Blumenthal, Com. v. Whart. Prec. 242	1225
Blunt v. Com., 4 Leigh, 689	883
Boak v. State, 5 Iowa, 430	1757
Boas, People v. 29 Hun, 377	1846
Boardman, State v. 64 Me. 523	1451, 1452
Bob, Resp. v. 4 Dall. 145 304, 377, 380, 381	
Bobbitt, State v. 70 N. C. 81	1286
Boddie v. State, 52 Ala. 395	565
Boddy v. Boddy, 30 L. J. Pr. & Mat. (N. S.) 23	1733
Bode v. State, 6 Tex. Ap. 424	488, 489, 490
v. State, 7 Gill, 326	1713
Bodwell v. Osgood, 3 Pick. 379	1632
Bogart, in re, 2 Sawy. 396	268
People v. 3 Parker C. R. 143	24, 1590
People v. 36 Cal. 245	935, 952
U. S. v. 3 Ben. 257	1063
U. S. v. 9 Ben. 314	749
Boggott v. Prier, 1 East, 301	800
Boggas v. State, 34 Ga. 275 211, 1340 a, 1687	
Bogle, in re, 9 Wis. 264	652
Bohan, State v. 19 Kans. 28	488
Bohanan v. State, 15 Neb. 209	388
Bohanan v. State, 14 Tex. Ap. 271 393, 516, 517	
Bohannon v. Com., 8 Bush, 481 486 a, 487	
v. State, 21 Mo. 490	581
Bohl v. State, 8 Tex. Ap. 683	1431 a
Bohles, State v. 1 Rice, 145	1503
Boice, State v. 1 Houst. C. R. 355 377, 388	
Boils, State v. 34 Me. 235	648, 1544
Boise, State v. 1 McMull. 190	1387

TABLE OF CASES.

SECTION	SECTION
Bossidy, Com. v. 112 Mass. 297	1498 a
Bostick, State v. 4 Harring.	563 68, 74
Bostock v. R. R., 5 De G. & S. 584; 3 M. Dig. 274	1432, 1465 a, 1473
Boston, Com. v. 97 Mass. 655	1474
Boston, etc., R. R., Com. v. 126 Mass. 61	91, 133, 135, 247, 341
Boston, etc., R. R., Com. v. 101 Mass. 201	1476
Boston, etc., R. R., Com. v. 129 Mass. 500	91, 163, 350
Boston, etc., R. R., Com. v. 133 Mass. 383	91, 132
Boston, etc., R. R., Com. v. 134 Mass. 211	91, 163
Boston, etc., R. R., State v. 58 N. H. 410	91
Boston, etc., R. R., U. S. v. 15 Fed. Rep. 209	1082 d
Boston, etc., R. R. v. Cilley, 44 N. H. 578	1500 a
Boswell v. State, 63 Ala. 307 40, 46, 61 v. State, 20 Grat. 860	48, 50, 52, 54, 60
Bott, U. S. v. 11 Blatch. 346	182, 1831
Boucher, R. v. 4 C. & P. 562	1666 c
R. v. 5 Jur. 709	1082 c
Boudrie, Com. v. 4 Gray, 418	981
Boult, R. v. 2 C. & K. 604	685, 705
Boulter, R. v. 2 Den. 396; 5 Cox C. 543	1319
Boulton, R. v. 12 Cox C. C. 87	1346, 1402
v. 1 Den. 508; 2 C. & K. 917	878, 1196
v. Jones, 2 H. & N. 564	888
Bourns, R. v. 5 C. & P. 120	440
Boutwell, Com. v. 129 Mass. 124	736
Bovard v. State, 30 Miss. 600	41
Bowden, Com. v. 14 Gray, 103	787
v. Lewis, 13 R. I. 189	1426
Bowen, Com. v. 13 Mass. 356 216, 448 R. v. 13 Q. B. 790; 3 Cox C. C. 483	1184, 1225
R. v. C. & M. 149	119
State v. 16 Kans. 475	543
U. S. v. 4 Cranch C. C. 604	53, 762
U. S. v. 2 Cranch, 133	878
v. State, 9 Baxt. 45 1188, 1192	
Bower v. State, 5 Mo. 364	393
Bowers, Com. v. 121 Mass. 45	1733
R. v. L. R. 1 C. C. 41	1019, 1021
v. People, 17 Ill. 373	650
v. State, 29 Ohio St. 542	1757, 1758
Bowes, R. v. cited 4 East, 171	1397, 1400
Bowler's Case, 27 How. St. Tr. 1316	34
Bowler, R. v. C. & M. 559	1836, 1838 a
v. State, 41 Miss. 570	1152, 1166, 1184
Bowles v. State, 7 Ohio, 599	640
v. State, 37 Ohio St. 85	695
v. State, 58 Ala. 335	157, 164
Bowling, State v. 10 Humph.	52 641 a
v. State, 13 Tex. Ap. 338	977
Bowman, Com. v. 3 Barr, 202	1473
U. S. v. 2 Wash. C. C. 328	1291, 1314
v. Blyth, 7 El. & Bl. 26	1576
Bowray, R. v. 10 Jur. 211	1081
Bowser, R. v. 8 D. P. C. 128; 1	
W. W. & H. 345	1111
Bowyer, R. v. 4 C. & P. 559	1897
Box, R. v. 9 C. & P. 126	885, 975
Boyall, R. v. 2 Burr. 832	26
Boyce v. People, 55 N. Y. 644	1757, 1758, 1763
R. v. 1 Mood. C. C. 29	173
Boyd v. Boyd, 27 Ind. 429	600
v. Com., 77 Va. 52	1572 a
v. State, 53 Ala. 601	1493
v. State, 17 Ga. 194	222, 232, 425, 427, 444, 513
v. State, 2 Humph. 39 18, 1067, 1079, 1082 d	
v. State, 12 Lea, 687	1531
Boyden, State v. 13 Ired. 505	173, 176, 645
U. S. v. 1 Low. 266 1349, 1371	
Boyer, Com. v. 7 Allen, 306	1500, 1695 a, 1704 a
Boyett, State v. 10 Ired. 336	84, 1835
Boyington, State v. 56 Me. 512	1836, 1837, 1338
Boyland, State v. 24 Kan. 186	636
Boyle, State v. 30 Me. 495	31 b
v. Com. 14 Grat. 674	1498 a
v. Com. 2 S. & R. 40	601
v. State, 37 Tex. 359	951
Boylston v. Kerr, 2 Daly, 220	428
Boynton, Com. v. 2 Mass. 77	748, 1123
Com. v. 12 Cush. 499	1428
Com. v. 2 Allen, 160	88
Com. v. 116 Mass. 343	593
Brazier v. State, 5 Tex. Ap. 220	1227
Brabham v. State, 18 Ohio St. 485	
1664, 1665	
Bracken, Com. v. 8 Weekly Notes,	
280	1347
Brackett, R. v. 4 Cox C. C. 274	962 b
Bradberry v. State, 7 Tex. Ap. 375	
1288	
Braddee v. Com., 6 Watts, 530	575
Bradford, Com. v. 9 Met. 268	84, 1576, 1835
Com. v. 126 Mass. 42	831

TABLE OF CASES.

	SECTION		SECTION
Bradford, R. v. 2 Cr. & D. 41	749	Brannan, State v. 3 Nev. 238	192
R. v. Comb. 304	1432	Brannon, R. v. Law Times, Feb.	
R. v. 8 Cox C. C. 309;		28, 1880	241
Bell C. C. 208	1082	State v. 45 Mo. 329	543
State v. 36 Ga. 422	1500 a	Bransby, People v. 32 N. Y. 526	188,
State v. 33 La. An. 921	517	562, 577, 603	
v. People, 20 Hun. 309	598	Bratton v. State, 10 Humph. 103	317,
v. State, 6 Lea, 634	866	377, 382	
Bradlaugh, R. v. 38 L. T. (N. S.)		Brauer v. State, 25 Wis. 413	555
118; L. R. 3 Q. B. D. 607; 14		Brown, R. v. 1 C. & K. 144; 1 Cox	
Cox C. C. 68	88, 1609	C. C. 313	1682, 1687, 1689
Bradley, Com. v. 2 Cush. 553	1685,	Bray, State v. 1 Mo. 126	637
State v. 1 Houst. 164	837	State v. 13 Ired. 289	1714
v. Banks, Yelv. 206	517	Brayman, Com. v. 136 Mass. 438	53,
v. Heath, 12 Pick. 163	1641	56, 63	
v. People, 56 Barb. 72	1414,	Braynell, R. v. 4 Cox, 402	1665
1441		Brazier, R. v. 1 East P. C. 444; R.	
v. State, 32 Ark. 704	550	& R. 337	566, 963, 967
v. State, 48 Conn. 538	1381	Brazil, State v. Rice R. 258	1539,
v. State, 31 Ind. 492	44, 61,	1545, 1546, 1550	
65		Bredin, R. v. 15 Cox C. C. 412	1053 a
v. State, 68 Mo. 140	1225	Breen, R. v. 3 Craw. & D. 30,	906, 909
v. State, 1 Walker (Miss.),	156	Breee v. State, 12 Ohio St. 146	213,
633, 1660		214, 218, 819	
v. State, 10 Sm. & M. 618		Bren, R. v. L. & C. 346; 9 Cox C.	
644		C. 398	1015
v. State, 68 Mo. 140	1223,	v. Com., 25 Conn. 278	1528 a
1225		Brennan, R. v. 1 Craw. & D. 560	963
v. State, 1 Hayw. 403	1313	State v. 25 Conn. 278	1528 a
Bradshaw, R. v. 14 Cox C. C. 83	161	v. People, 15 Ill. 511	220,
R. v. Poph. 122	1796	396, 398	
Bradwell v. State, 16 Wall. 130	1835	v. People, 7 Hun. 171	568
Brady, Com. v. 5 Gray, 78	1245,	Brennon v. State, 25 Ind. 403	850, 855,
1247,		857	
People v. 56 N. Y. 182	1348,	Brent v. State, 43 Ala. 297	84
1350		Brery v. Levy, 1 W. Bl. 443	1559
R. v. 26 Up. Can. Q. B. 13	1195	Brett, ex parte, 1 Ch. D. 152	1238
State v. 14 Vt. 353	818, 819,	Brettel, R. v. C. & M. 609	931
820		Brewer, People v. 27 Mich. 134	1757
v. State, 48 Ga. 311	1432	State v. 53 Iowa, 735	857
v. Weeks, 3 Barb. 157	1415	v. State, 7 Lea, 682	1512 c
Bragg v. State, 86 N. C. 687	866	v. State, 59 Ala. 101	1685
Brain, R. v. 6 C. & P. 349	445	Brewington, State v. 89 N. C. 783	
Braithwaite, 8 Cox C. C. 254; 1		1431, 1432, 1603	
F. & F. 639	1319	Brewster, R. v. 8 Up. Can. (C. P.)	
Braley, Com. v. 1 Mass. 103	58	208	1415
Bramley, R. v. R. & R. 478	921, 922	U. S. v. 7 Pet. 164	28
Branch v. State, 41 Tex. 622	1070,	v. State, 7 Vt. 118	280,
1082 d		985, 989	
v. State, 15 Tex. Ap. 96	488,	Brice, R. v. R. & R. 450	768, 777, 810,
494		811	
Branham, Com. v. 8 Bush, 387	645 d	Brick, State v. 2 Harring. 530	902
Brandon, State v. 8 Jones (N. C.),		Bricker, U. S. v. 3 Phila. 426	749
463	44, 46, 60, 61, 500	Bridge, Com. v. 2 Gray, 339	1473
Brandt, State v. 41 Iowa, 593	1063	v. Com., 9 Pick. 142	1473
State v. 30 Mich. 460	1664	Bridgeport Bank v. N. Y. & N. H.	
Branham, Com. v. 8 Bush, 387	645 d	R. R. Co., 30 Conn. 273	1854
State v. 13 S. C. 389	758,	Bridges, ex parte, 2 Woods, 428	266,
817		268, 1275	
		v. State, 37 Ark. 224	1431 a

TABLE OF CASES.

	SECTION		SECTION
Bridgeman, State v. 49 Vt. 202	1728,	Brock v. Com., 6 Leigh, 634	1502,
	1729, 1733	v. Copeland, 1 Esp. 202	1522
Bridleman, U. S. v. 7 Sawy. 243	282 a	Brocke, State v. 32 Tex. 611	1082 d
Briffett v. State, 58 Wis. 39	1505	Brockway, People v. 2 Hill (N. Y.)	
Briggs, Com. v. 5 Pick. 429	237	Brider v. Saillard, 2 Ch. D. 692	1422
Com. v. 4 Metc. 594	1521	Broderick, State v. 59 Mo. 318	850,
Com. v. 5 Metc. 559	1672	854	
R. v. 1 Mood. C. C. 318	519,	State v. 7 Mo. Ap. 19	1055
	553	Brodribb, R. v. 6 C. & P. 571	1535
R. v. 7 Cox C. C. 175; D.		Brogv v. Com., 10 Grat. 722	567
& B. 98	1691, 1708	Bromwich's Case, 1 Lev. 180	482
State v. 9 R. I. 361	593	Brook, State v. 1 Hill (S. C.), 362	
State v. 1 Aiken, 226	15 a,		1540:
	17, 18, 1067	Brooke, R. v. 2 T. R. 190	1572 b
State v. 35 Ind. 492	459	R. v. 7 Cox C. C. 251	1618
State v. 34 Vt. 503	695	Brooks, Com. v. 1 Duv. 150	850
v. Garrett, Leg. Intel. Jan.		Com. v. 99 Mass. 434	95
11, 1884	1636	R. v. 2 T. R. 190	1572 b
v. Mitchell, 2 B. & S. 523		R. v. 14 Eng. L. & Eq. 580	83
	1412, 1441	R. v. 4 C. & P. 131	871
v. State, 6 Tex. Ap. 146	645 d	R. v. 1 F. & F. 502	1177
Brigham, Com. v. 123 Mass. 248	936	R. v. 6 Cox, 148	797, 992
Bright, R. v. 4 C. & P. 387	438	State v. 4 Conn. 446	792
Brightman v. Bristol, 65 Me. 426	97 a	State v. 1 Hill (S. C.) 361	1537
Brilliant, People v. 58 Cal. 214	1304	State v. 76 N. C. 1	561, 577
Brimilow, R. v. 2 Mood. C. C. 122;		U. S. v. 3 McArthur, 316	706,
9 C. & P. 366	69, 551		713
Brin, State v. 30 Minn. 522	956	v. Com., 61 Penn. St. 352	9,
Bringard, People v. 39 Mich. 22	1043	432, 433, 495	
Brinkvetter v. State, 14 Tex. Ap.		v. State, 51 Ga. 612	831
67	1473	v. State, 90 Ind. 428	388
Brinyea, State v. 5 Ala. 241	60, 63	v. State, 35 Ohio St. 46	901,
Brisac, R. v. 4 East, 164	280, 292 a,	902	
	1397	v. State, 4 Tex. Ap. 567	1450
Brister v. State, 26 Ala. 107	522	v. State, 2 Yerg. 482	19, 1410,
Bristow, State v. 41 Tex. 146	1486	1428, 1432, 1446, 1741	
v. Com., 15 Grat. 634	476	Brookbank, State v. 6 Ired. 73	20
v. Wright, Doug. 665	728	Brotherton v. People, 75 N. Y. 154	61
Britain v. State, 3 Humph. 203	247,	Broughton v. People, 49 Mich. 339	
1432, 1503, 1504		1503	
Britt v. State, 7 Humph. 45	852	v. Singleton, 2 N. &	
v. State, 9 Humph. 31	1212, 1218	McC. 338	874
Brittain, R. v. 3 Cox C. C. 76	1401,	Brown's Case, 3 Greenl. 377	1082 c
	1807	Com. v. 4 Mass. 580	962 b, 967
State v. 89 N. C. 481	485,	Com. v. 12 Met. 523	1514
	494, 629	Com. v. 13 Met. 365	1412,
v. B'k of London, 3 F. &		661, 677	1430
F. 465; 11 W. R. 569		v. State, 3 Humph. 203	1468
		Brittin v. State, 5 Eng. (Ark.) 299	1431
		Brittleton, R. v. 15 Cox C. C. 431	940
		Britton, State v. 4 McCord, 256	1700
		U. S. v. 2 Mason, 464	726
		U. S. v. 11 Wash. L. Rep.	
		436 (107 U. S. 655)	1356 a
		U. S. v. 17 Fed. Rep. 731	
		1831	
Brixey, R. v. cited in 1 B. & H.		Lead. Cas. 100	40

TABLE OF CASES.

	SECTION
Brown, People v. 34 Mich. 339	1689
R. v. 2 East P. C. 493	783
R. v. 1 Ventr. 243	1756
R. v. 2 Cox C. C. 348	1213
R. v. 7 Cox C. C. 442	1374, 1381, 1399
R. v. 8 Cox C. C. 69	1386
R. v. 2 East P. C. 731	851
R. v. 36 Eng. L. & Eq. 610;	Dears. 616 956, 964
R. v. C. & M. 314	652 a, 1556
R. v. 2 East P. C. 487	767
R. v. 48 L. T. (N. S.) 270	181
R. v. L. R. 1 C. C. 244	600
State v. 9 Baxt. 81	872
State v. 5 Harring. 505	428
State v. 25 Iowa, 561	888, 966
State v. 3 Greenl. 177	18, 1067
State v. 28 La. An. 279	1709
State v. 31 Me. 522	1506
State v. 60 Mo. 141	581, 583
State v. 64 Mo. 367	488
State v. 8 Nev. 208	928
State v. 79 N. C. 642	1244, 1277
State v. 67 N. C. 470	1709
State v. 7 Oreg. 186	384
State v. 49 Vt. 440	1720
State v. 1 Hayw. 100	291, 930
State v. 3 Stroh. 508	899, 927
State v. 1 Williams (Vt.),	619 1606, 1609
v. Carpenter, 26 Vt. 639	1426
v. Com., 8 Mass. 59	712, 1499
v. Com., 76 Penn. St. 319	392
v. Com., 78 Penn. St. 122	34, 45
v. Com., 2 Leigh, 769	713, 740
v. Com., 2 Va. Cas. 516	1775
v. Hoburger, 52 Barb. 15	1426
v. Lunt, 37 Me. 423	1572 d
v. Mallett, 5 C. B. 599	1477
v. People, 66 Ill. 344	728 a
v. People, 86 Ill. 239	683, 696 b
v. People, 36 Mich. 203	556, 562 a, 566
v. People, 39 Mich. 37	978
v. Perkins, 12 Gray, 89	1426, 1498
v. Smith, 83 Ill. 291	1405
v. State, 52 Ala. 345	831, 1701
v. State, 46 Ala. 175	1556
v. State, 47 Ala. 47	1314
v. State, 55 Ala. 123	771
v. State, 28 Ark. 126	853
v. State, 34 Ark. 232	305
v. State, 9 Baxt. 45	1140, 1143
v. State, 5 Engl. 607	1466
v. State, 28 Ga. 216	222

TABLE OF CASES.

	SECTION	POSITION
Bryan v. State, 19 Fla. 864	532	Buckwalter v. U. S., 11 S. & R. 193 266, 1275
v. State, 62 Ga. 179	813	Budge v. Parsons, 3 B. & S. 382 1082 d
Bryant, Com. v. 9 Phila. 595	648	Buel v. N. Y. Cent. R. R. 31 N. Y. 314 v. People, 78 N. Y. 492 384, 385
State v. 14 Mo. 340	94, 1504, 1511	Buford, State v. 10 Mo. 703 1499
State v. 55 Mo. 75	489	Bugbee, Com. v. 4 Gray, 206 529 State v. 22 Vt. 32 94, 1502, 1503, 1504, 1542
State v. 74 N. C. 124, 207	886, 1465 b, 1491	Buie, State v. 43 Tex. 532 v. State, 1 Tex. Ap. 58 1666 c
State v. 17 N. H. 323	735	Bull, R. v. 1 Cox C. C. 281 R. v. 13 Cox C. C. 608 1139, 1150 R. v. 2 Leach, 841 R. v. 9 C. & P. 22 493, 498, 504 R. v. 36 L. T. (N. S.) 376 1170 R. v. 2 F. & F. 201 362
Bryson, State v. 1 Winst. Law, vol.	ii. 86	Bullard, State v. 13 Ala. 413 v. U. S., 13 Int. Rev. Rec. 195
State v. 81 N. C. 595	84	Bullinger, State v. 54 Mo. 142 1752
State v. 82 N. C. 576	1556	Bullion, State v. 42 Tex. 77 1466
Bubb, R. v. 4 Cox C. C. 455	331, 333, 359, 1567, 1585	Bullock, R. v. Dears. 653 192 R. v. L. R. 1 C. C. 115; 11 Cox C. C. 125 1082 d
Buchanan, People v. 1 Idaho, 681	1452	State v. 13 Ala. 413 50, 52, 54 v. Babcock, 3 Wend. 391 70 v. State, 10 Ga. 47 1044
State v. 5 Har. & J.	317	Bulmer, R. v. L. & C. 476; 9 Cox C. C. 492 1142, 1214
State v. 1348, 1349, 1376,	1382, 1400	Bulwer's Case, 7 Co. 2 b, 3 b 279
State v. 1 Houst. C. C.	79	Bunce, R. v. 1 F. & F. 523, 964, 1140
State v. 17 Vt. 424	652	Buncombe, R. v. 1 Cox C. C. 183 79
U. S. v. 4 Hughes, 484,	487	Bunkall, R. v. L. & C. 371; 9 Cox C. C. 419 956, 1057
v. State, 55 Ala. 154	1697, 1720	Bunn, R. v. 12 Cox C. C. 316 1347, 1351, 1366
v. State, 24 Ga. 286	645 d	Buntain v. State, 15 Tex. Ap. 485 814
v. State, 55 La. An. 89	213	Bunten, State v. 68 Ind. 38 637 State v. 2 N. & McC. 441 953
Bucher v. Com., 103 Penn. St. 529	28	Burchinal, State v. 4 Harring. 572 152, 1454
Buck, R. v. 2 Str. 679	26	Burchall, R. v. 4 F. & F. 1077 163
U. S. v. 4 Phila. 161; 8 Am.	89	Burd v. Com., 6 S. & R. 252 1102, 1103, 1110, 1111
L. Reg. 540	89	Burden v. People, 9 Barb. 468 1317 v. People, 26 Mich. 162 484
v. Lane, 12 S. & R. 266	1886	Burdett, R. v. 4 B. & Ald. 95 149, 279, 288, 1612, 1618, 1620, 1643, 1655
v. State, 1 Ohio St. 61	1465 b	R. v. 1 Ld. Raym. 148 1577, 1579
	1466	Burdick, Com. v. 2 Barr, 163; 5
Buckalew v. State, 62 Ala. 334	1491	Penn. L. J. 173 1135, 1173
v. State, 11 Tex. Ap. 352	1189	Burditt v. Swenburn, 17 Tex. 481 1412
Buckingham, Com. v. 2 Wheel. C.	1644	Burford, ex parte, 3 Cranch, 448 268
C. 433	1644	Burgdorf, State v. 53 Mo. 65 556, 557, 559
Bruner v. State, 58 Ind. 305	542	
Brunson, State v. 2 Bailey, 149	1432,	
	1446, 1720, 1741	
Brunswick v. Harmer, 14 Q. B. 138	1622	
Brush v. Blanchard, 18 Ill. 46	359	
Brutton v. State, 4 Ind. 601	1713	
Bryan, Com. v. 9 Dana, 310	1501	
R. v. 2 Str. 866	177, 1126	
R. v. 2 F. & F. 567	1198	
R. v. 40 Eng. L. & Eq. 589;		
7 Cox C. C. 312; D. & B.		
265	1157	
v. State, 26 Ala. 65	1465,	
	1465 a, 1466	

TABLE OF CASES.

SECTION	SECTION
Burge v. State, 62 Ga. 170	981 c
Burgess, Com. v. 2 Va. Cas. 484	377, 381
People v. 35 Cal. 115	808, 809, 817
R. v. Russ. on Cr. 687	569
R. v. L. & C. 259, 299; 9	
Cox C. C. 247, 302	175, 454, 922, 935
Burgett, Com. v. 136 Mass. 460	1532
Burgon, R. v. 36 Eng. L. & Eq. 615;	
7 Cox C. C. 131; D. & B. 11	1160, 1173, 1174
Burgson, State v. 53 Iowa, 318	712, 742
Burk, People v. 11 Wend. 129	928, 930
v. State, 2 Har. & J. 426	570, 1387
Burke, Com. v. 105 Mass. 376	146, 556, 562
Com. v. 12 Allen, 182	882, 955
Com. v. 114 Mass. 261	1498 a
People v. 11 Wend. 129	291
R. v. R. & R. 496	696, 697
State v. 30 Iowa, 331	484
State v. 54 N. H. 92	525
State v. 73 N. C. 83	850, 857
State v. 82 N. C. 551	102, 624
v. People, 4 Hun. 481	583
v. State, 52 Ind. 481	1499, 1512 b, 1514
v. State, 34 Ohio St. 79	1572 d
v. State, 65 Ala. 553	682
v. State, 5 Tex. Ap. 74	808
Burley, U. S. v. 14 Blatch. 91	1832 a
Burlingham, State v. 15 Me. 104	1736
Burlington, Com. v. 136 Mass. 438	
	1563
Barnby v. Bollett, 16 M. & W. 644	
	1434
Burner v. Com., 13 Grat. 778	1498 a
Burnett, R. v. 4 M. & S. 272	16, 1496
R. v. 2 Russ. on Cr. 174	928
State v. 83 N. C. 615	1685
Burnham, State v. 9 N. H. 34	1594, 1643, 1644, 1646
State v. 15 N. H. 396	1358, 1360, 1372
State v. 56 Vt. 445	84, 141, 1466 a
v. State, 43 Tex. 322	117
Burns, Com. v. 8 Gray, 482	1518
Com. v. 4 J. J. Marshall, 182	223
People v. 63 Cal. 614	818
State v. 20 N. H. 550	1499
U. S. v. 5 McLean, 24	749, 754
v. Erben, 40 N. Y. 463	9, 434, 495
v. Nowall, L. R. 5 Q. B. D.	
454	85 a, 86
Burns v. People, 59 Barb. 531	1288, 1323
v. State, 12 Tex. Ap. 394	1728
Burnsides, R. v. Bell, 282; 8 Cox C. C. 370	1139, 1165
Buron v. Denman, 2 Ex. 167	310
Burr, U. S. v. 4 Cranch, 492	218, 224, 237, 249, 254, 287, 1791, 1792, 1793, 1808
Burrell, R. v. L. & C. 364; 9 Cox C. C. 368	1756, 1759
R. v. 10 Cox C. C. 462	1473
ex parte, 1 Ch. D. 552	1173
v. State, 18 Tex. 713	330
Burress v. Com., 27 Grat. 934	728 a
Burridge, R. v. 3 P. Wms. 440, 475	242
Burroughs, People v. 1 Parker C. R. 211	1304
State v. 2 Halsted, 426	18, 1067
State v. 72 Me. 479	1528 a
U. S. v. 3 McLean, 405	
Burrow's Case, 1 Lew. C. C. 75	49
1 Lew. C. C. 238	34
Burrows, R. v. 1 Mood. C. C. 274	783
R. v. 11 Cox C. C. 258	1173
State v. 1 Houst. 74	837
State v. 11 Ired. 477	864, 1195, 1204
v. State, 7 Eng. (Ark.) 65	
1173	1187
v. Wright, 2 East, 661	891
Burst v. State, 69 Ind. 133	1557
Burt, People v. 51 Mich. 199	405, 409, 411
State v. 25 Vt. 373	542, 650
State v. 64 N. C. 619	865, 867
v. Burt, 29 L. J. (Prob.) 133	
	1682
v. State, 23 Ohio St. 394	566
v. State, 3 Brev. 413; 2 Tr.	
Con. B. 489	1089, 1093, 1096, 1098, 1103, 1105
Burton, People v. 1 N. Y. Cr. 297	884
R. v. 3 F. & F. 772	40
R. v. 1 Mood. C. C. 237	1015, 1018
v. People, 51 Mich. 200	896
v. State 45 Wis. 150	632
Burton's Case, 1 Str. 481	344
Burwell, State v. 63 N. C. 661	462
Bush, People v. 4 Hill (N. Y. 133	185, 192, 207, 844, 1343
People v. 3 Parker C. R. 552	
759, 763, 767, 787, 788, 803	
v. Com., 78 Ky. 268	157, 266
v. State, 37 Ark. 215	1748 a
v. State, 65 Ga. 658	819
Buzzell, State v. 58 N. H. 257	543

TABLE OF CASES.

SECTION	SECTION
Buster v. State, 42 Tex. 315	543
Butcher, R. v. 8 Cox C. C. 77; Bell C. C. 6	1142, 1213
v. Butcher, 7 B. & C. 399;	
1 M. & Rob. 220	1100
Butland, Com. v. 119 Mass. 317	1277, 1297
Butler's Case, 13 Co. 55	291
Butler, Com. v. 1 Allen, 4	79
Com. v. 12 S. & R. 237	
	682, 699, 704
People v. 8 Cal. 435	455
People v. 3 Cow. 347	30
People v. 4 Denio, 68	809
People v. 16 Johns. 203	835
R. v. 6 C. & P. 368	173
State v. 26 Minn. 90	1043
State v. 67 Mo. 59	291
v. Com., 2 Dav. 435	211, 211 a
v. State, 22 Ala. 43	731
v. State, 5 Blackf. 280, 343	
	1466, 1493
Butman, Com. v. 118 Mass. 456	1458
State v. 42 N. H. 490	641
Butolph v. Blust, 5 Lansing, 84	428
Butt, ex parte, 13 Cox C. C. 374	1569
Butterfield, R. v. 1 Cox C. C. 39	242
State v. 75 Mo. 297	819
Butterick, Com. v. 100 Mass. 1	735, 931, 1030, 1040, 1042, 1044, 1052, 1053, 1061
Com. v. 6 Cush. 247	1506
Button, R. v. 11 Q. B. 929; 3 Cox C. C. 229	
	748, 1344
R. v. 8 C. & P. 660	610
Buttram v. State, 4 Cold. 171	1748 a
Butts, Com. v. 124 Mass. 449	
	932, 938
Com. v. 2 Va. Ca. 18	1466
Buxton, Com. v. 10 Gray, 9	1498 a
State v. 2 Swan, 57	1568, 1573
Buzzard, State v. 4 Pike (Ark.), 18	
	1557
Buzzell, State v. 58 N. H. 257	225, 543
Byers v. Martin, 2 Col. T. 605	1595
Byles, State v. 4 Tex. Ap. 505	207
Byrne, R. v. 10 Cox C. C. 369	1150, 1164, 1165
State v. 47 Conn. 465	
v. State, 12 Wis. 519	1846
Byrnes, Com. v. 126 Mass. 248	1517
Byron, Com. v. 14 Gray, 31	1304
R. v. 11 St. Tr. 1177	482
State v. 20 Mo. 210	1747
C.	
C——, R. v. 1 Craw. & D. 161	902
Cabbage, R. v. R. & R. 292	896, 897

SECTION	SECTION
Cabrera, U. S. v. 1 Wash. C. C. 232	1899
Cadwell v. State, 17 Conn. 467	1449, 1452
State v. 47 Conn. 44	1832
v. Com., 10 Grat. 776	716, 741
Caffe's Case, 1 Ventr. 216	407
Caffey, State v. N. C. Term R. 272; 2 Murph. 320	1251, 1298
Cagle, State v. 2 Humph. 414	1432
Cahill, Com. v. 12 Allen, 540	952
U. S. v. 3 McCr. 200	1846
v. People, 106 Ill. 621	439, 488
Cahoon v. State, 8 Ham. 537	699
Cain, Com. v. 14 Bush, 525	30
State v. 9 W. Va. 559	88, 1507, 1512 a
State v. 20 W. Va. 679	489
v. State, 12 Sm. & M. 456	1465 b
Calder, State v. 2 McCord, 462	1545
v. Bull, 3 Dall. 386	31
Caldwell's Case, 1 Dall. 150	1416, 1478
Caldwell, State v. 8 Baxt. 576	1748
State v. 2 Tyler, 212	179
State v. 2 Jones (N. C.), 468	1091, 1093
v. State, 1 St. & P. 327	282 a
v. State, 49 Ala. 34	1080
v. State, 55 Ala. 133	30
v. State, 5 Tex. 18	197
v. State, 41 Tex. 86	388
Calef, Com. v. 10 Mass. 153	1747
Calkins v. State, 18 Ohio St. 366	716, 1030, 1053, 1058, 1063
Call, Com. v. 21 Pick. 515	1211, 1212, 1720, 1733
People v. 1 Denio, 120	956, 957, 975
State v. 48 N. H. 126	1184, 1214, 1220
Callaghan, Com. v. 2 Va. Cas. 460	
	1375, 1571, 1572 b, 1858
Callahan, R. v. 8 C. & P. 154	1015
v. State, 63 Ind. 198	1758
v. State, 21 Ohio St. 306	120, 317, 382, 645 a
v. State, 41 Tex. 43	1458
Callan, R. v. R. & R. 157	767
v. Gaylord, 3 Watts, 321	1621
Callanan, R. v. 6 B. & C. 102; 9 D. & R. 97	1257, 1288, 1301
Callendine, State v. 8 Iowa, 288	721
Callicot, in re, 1 Am. L. T. 120; 8 Int. Rev. Rec. 169	1356 a
Calvin, State v. Charlton (Ga.), 151	743 a
Camac, Com. v. 1 S. & R. 87	267
Cambioso v. Maffett, 2 Wash. C. C. 98	48

TABLE OF CASES.

SECTION	SECTION
Cameron, State v. 3 Heisk. 78	1030
State v. 40 Vt. 555	931
v. State, 14 Ala. 546	1700,
1732, 1734	
v. State, 15 Ala. 383	1465
Camfield, R. v. 1 Mood. C. C. 42	799
Camp, State v. 41 N. J. L. 306	78
v. State, 3 Kelly, 417	568
Campbell, Com. v. 7 Allen, 541	160,
166, 214, 220, 398	
Com. v. 103 Mass. 436	1000
People v. 30 Cal. 312	484,
493	
People v. 40 Cal. 129	237,
238, 245, 543	
People v. 4 Parker C. R.	
386	872
R. v. 11 Cox C. C. 323	344
R. v. 1 Mood. C. C. 179	
964, 966, 975	
Resp. v. 1 Dall. 354	1111
State v. T. U. P. Charl-	
ton, 167	1082 a
State v. 32 N. J. L. 309	623
State v. 41 N. J. L. 306	1085
State v. 12 R. I. 147	1515,
1528 a	
State v. 29 Tex. 44	580
U. S. v. 6 Hall's L. J.	
113	266
U. S. v. 9 Sawy. 614	1823
v. Com., 94 Penn. St.	
187, 149, 231, 238, 381, 522	
v. Com., 59 Penn. St. 266	
1550	
v. Coonradt, 22 Kan. 704	
1087	
v. People, 16 Ill. 17	641
v. People, 8 Wend. 636	
1251, 1276, 1287,	
1299, 1304	
v. State, 16 Ala. 144	1426
v. State, 55 Ala. 172	1465 c
v. State, 35 Ohio St. 70	1012,
1014, 1040	
v. State, 2 Tex. Ap. 187	
1466	
Camplin, R. v. 1 C. & K. 746;	1
Den. 90	556, 562
Canada v. Com., 22 Grat. 899	583
Cannady v. People, 17 Ill. 158	1466,
1510	
Canney, State v. 19 N. H. 135	792,
795	
Cannon, R. v. R. & B. 146	846, 852
State v. 79 Mo. 34	1270
v. State, 57 Miss. 147	114,
477	
Cansler, State v. 75 N. C. 442	1572 d,
1589	
Canter v. State, 7 Lea, 349	1173,
	1203
Canterbury, State v. 8 Foster, 195	1473
Canton, State v. 43 Mo. 19	1504
Cantrill v. People, 3 Gilman (Ill.),	
356	648, 650, 652
Capritz v. State, 1 Md. 569	1510
Carberry v. State, 11 Ohio St. 410	
	682, 695
Carden, R. v. L. R. 5 Q. B. D. 1;	
14 Cox C. C. 359; 41 L. T. (N.	
S.) 504	1645
Cardozo, Com. v. 119 Mass. 210	1451,
	1452
Carel, Com. v. 105 Mass. 582	1251,
	1267, 1292, 1310
Carey, Com. v. 12 Cush. 246	414, 648
Com. v. 2 Pick. 47	713, 716,
	744
Com. v. 2 Brewst. 401	489
R. v. 14 Cox C. C. 214	409, 414
v. Hotailing, 1 Hill (N.Y.),	
311	964, 966
Cargen v. People, 39 Mich. 540	393
Cargill, State v. 2 Brev. 445	1093
State v. 8 Tex. Ap. 431	591
Carico, U. S. v. 2 Cranch C. C. 446	
	1126
v. Com., 7 Bush. 124	486 a
Carland, State v. 3 Dev. 114	1286
Carlton v. Davis, Davies, 221	1872
Carlile, R. v. 3 B. & Ald. 161	20, 26,
	1605, 1639
R. v. 6 C. & P. 636	1413,
	1464, 1474
Carlisle, Com. v. 1 Jour. Juris. 225	
	1366
R. v. Dears. 337; 25 Eng.	
L. & Eq. 577; 6 Cox. C.	
C. 366	1347,
	1348, 1349, 1359, 1385
Resp. v. 1 Dall. 35	1806,
	1809, 1818
v. U. S. 16 Wall. 147	282,
	1805
v. U. S. 16 Wall. 147	1801,
	1805
v. State, 12 Ohio St.	
553	1689, 1700
v. State, 11 Tex. Ap.	
27	1557
Carmon v. State, 18 Ind. 450	1505
Carnot, U. S. v. 2 Cranch. C. C.	
469	878
Carotti v. State, 42 Miss. 334	1733,
	1747

TABLE OF CASES.

SECTION	SECTION
Carpenter, Com. v. 100 Mass. 204	266,
	1498 a, 1500
Com. v. 108 Mass. 15	1664,
	1665
R. v. L. R. 1 C. C. 29	1015,
	1018
State v. 1 Houst. 367	767,
	810
State v. 14 Ind. 109	1466
State v. 20 Ind. 219	1513
State v. 62 Mo. 594	1431 c
State v. 20 Vt. 9	1332,
	1333, 1858
v. People, 8 Barb. 603	28,
	1756, 1757, 1765
v. Snelling, 97 Mass. 452	
	697
Carper v. State, 27 Ohio St. 572	1465 b,
	1466
Carr, Com. v. 111 Mass. 423	1520,
	1528 a
in re, 28 Kan. 1	288
R. v. R. & R. 377	182
R. v. R. & R. 198	1011, 1015,
	1018, 1021
R. v. 8 C. & P. 163	154, 337,
	343, 369
R. v. 10 Cox C. C. 564	1258
R. v. 47 L. T. (N. S.) 450	269
State v. 5 N. H. 371	709, 731
State v. 13 Vt. 571	923, 925
U. S. v. 1 Woods, 480	94,
	401, 508
v. Hood, 1 Camp. 354	1640
v. State, 34 Ark. 148	1557
v. State, 50 Ind. 178	1465 b,
	1466
Carrell, R. v. 1 Leach, 237	788, 803
Carrick, State v. 16 Nev. 120	1063
Carrier, People v. 46 Mich. 442	1765
State v. 5 Day, 131	792
Carrington v. People, 6 Parker C.	
R. 336	220
Carro, State v. 26 La. An. 377	857
Carrol v. State, 23 Ala. 28	467, 500,
	501, 502, 504
Carroll, Com. v. 15 Gray, 409	1521
Com. v. 124 Mass. 30	1509
R. v. 7 C. & P. 145	54
State v. 38 Conn. 448	652,
	1572 d
v. Com., 84 Penn. St. 107	381
v. State, 28 Ark. 99	1557
Carron, State v. 18 Iowa, 372	1757
Carruthers, R. v. 1 Cox C. C. 138	852,
	1665, 1666 a
Carson, R. v. R. & R. 303	1044
	1506
Carter, R. v. 2 East P. C. 986	738
R. v. 1 C. & K. 173	792
Carter, R. v. 7 C. & P. 134	1212
R. v. 50 L. T. 432; 15 Cox	
C. C. 448; 12 Q. B. D.	
522	983
State v. 3 Dutch. 501	271,
	272, 292
State v. 76 N. C. 20	455
State v. 7 Humph. 158	1511
State v. 36 Tex. 89	1557
v. Com., 2 Va. Cas. 354	1473
v. State, 55 Ala. 181	87, 1835
v. State, 68 Ala. 39	767
v. State, 35 Ga. 263	561,
	562, 576 a
v. State, 53 Ga. 326	922, 1054
v. State, 56 Ga. 463	61
v. State, 68 Ga. 526	1510
v. State, 2 Carter (Ind.),	
617	523, 598
v. State, 1 Houst. 402	767, 810
v. State, 12 Tex. 500	48, 50
Cartwright, R. v. R. & R. 106	1217, 1233
	v. Cartwright, 1 Phillips,
	more, Ec. R. 90; 26
	W. R. 684
	63, 1701
v. Green, 8 Ves. 405;	
	2 Leach, 952
	903,
	932, 967
v. State, 14 Tex. Ap.	
486	485, 493
v. State, 8 Lea, 376	51
v. Wright, 1 D. & R.	
230	1656
Caruthers v. State, 13 Tex. Ap.	
339	641
Carver v. People, 39 Mich. 786	717
v. State, 69 Ind. 11	1431 a
Carwile v. State, 35 Ala. 392	1552
Caryl, People v. 3 Parker C. R. 326	
	102, 467, 623
People v. 12 Wend. 547	882,
	955
Casat, State v. 41 Ark. 511	61, 149, 380,
Case, People v. 76 N. Y. 243;	5
Abb. N. C. 151	1245,
	1257, 1305
R. v. 1 East P. C. 165	750
R. v. 1 Den. C. C. 580; 4 Cox	
C. C. 220; 1 Eng. L. & Eq.	
544	146, 550, 559, 563,
	576, 577, 612, 636
v. State, 26 Ala. 17	1021
v. State, 12 Tex. Ap. 228	979
Casey, State v. 45 Me. 435	1498 a
v. People, 72 N. Y. 393	645 d
v. State, 6 Mo. 646	1498 a
Cashiel, U. S. v. 1 Hughes, 552	293
Caspar, R. v. 2 Mood. C. C. 101;	9
C. & P. 289	949

TABLE OF CASES.

	SECTION	SECTION
Casper v. State, 47 Wis. 535	82	Chamberlain, R. v. 10 Cox C. C.
Cass, State v. 41 Tex. 562	640	486 166, 305, 345,
Cassady, State v. 52 N. H. 500	648	362, 366
Cassano, R. v. 5 Esp. 231	1858	State v. 30 Vt. 559 1304
Casseddy, U. S. v. 2 Sumner, 582	1877,	v. People, 23 N. Y.
	1880	85 1254
Cassell, State v. 2 Har. & G. 407	955	v. State, 5 Blackf.
Cassells v. State, 4 Yerg. 149	180, 987	573 737
Cassety, State v. 1 Rich. 90	1508	Chamberlin, State v. 30 Vt. 559 1267,
Cassiano, People v. 30 Hun. 388	51	1320
Cassidy, Com. v. 6 Phila. 82	1448	Chambers, Com. v. 15 Phila. 415 1595
State v. 12 Kans. 550	237,	State v. 6 Ala. 855 981 c
	238	v. People, 105 Ill. 430 565
Cassin v. Delaney, 38 N. Y. 178	79	v. State, 22 West Va.
Casteel, State v. 53 Mo. 124	863	923 932
Castello, State v. 62 Iowa, 404	309 b	Champer v. State, 14 Ohio St. 437
Caswell, People v. 21 Wend. 86	997	142, 636
State v. 2 Humph. 399	1524	Champney's Case, 2 Lew. C. C. 258
v. Johnson, 58 Me. 164	873	1319
v. State, 2 Humph. 402	1505,	Champneys, R. v. 2 M. & Rob. 26 318
	1524	Chandler, Com. v. Thach. C. C. 187
Cates v. State, 50 Ala. 166	480	653, 660
Catheart v. Com., 1 Wright, 112	381	Com. v. 11 Mass. 83 267
v. Com., 37 Penn. St. 108		R. v. Dears. C. C. 463 334,
	238, 522	359, 1565, 1567
Cathey, State v. 41 Ark. 308	1512 b	R. v. 1 Strange, 612; 1
Catlin, Com. v. 1 Mass. 8	1472, 1747	Mod. 336 1332, 1333
v. Hills, 8 C. B. 123	356	State v. 2 Harring. 553 20,
Cato v. State, 4 Tex. Ap. 87	607	1431, 1605
Caton, People v. 25 Mich. 388	703	State v. 96 Ind. 591 1728
People v. 25 Mich. 388	708	State v. 24 Mo. 371 644
R. v. 12 Cox C. C. 624		State v. 15 Vt. 425 1502
	220, 435	State v. 42 Vt. 446 1267,
Candle v. Seymour, 1 Q. B. 889	422,	1304
	425	Chapin, Com. v. 5 Pick. 199 1480
Cavanagh, People v. 62 How. N.Y.		State v. 17 Ark. 561 280,
Pr. 187	645 d	287, 288, 1397
Caveness, State v. 78 N. C. 484	983	Chaplin v. State, 7 Tex. Ap. 37 1557
Cawood, State v. 2 Stew. 360	17,	Chapman's Case (San Francisco,
	1348, 1382, 1400	1863), 1788, 1801
Cayford's Case, 7 Greenl. 57	1700	Chapman, Com. v. Phil. Pamph.
Center, State v. 35 Vt. 378	305,	1831 76
	315, 327	Com. v. 7 Bost. L. Rep.
State v. 35 Vt. 378	221	155 640
Cent. R. R., People v. 74 N. Y. 302	91	Com. v. 13 Met. 68 15 a, 17
Chace, Com. v. 9 Pick. 15	871	Com. v. 11 Cush. 422 221,
State v. Walker, 384	1659	517, 522, 534, 539
Chaddock v. Briggs, 13 Mass. 248	1596	Com. v. 1 Va. Cas. 138
Chadwick, R. v. 2 M. & Rob. 545	674,	1572 b, 1858
	702	ex parte, 4 A. & E. 773 1603
R. v. 11 Q. B. 205	1682,	People v. 4 Parker C. R.
	1690	56 1195
Chahoon v. Com., 20 Grat. 733	706,	R. v. 1 Den. C. C. 432;
	710	2 C. & K. 846; T. &
Chalking, R. v. R. & R. 334	783	M. 90 107, 173,
Chalkley, R. v. R. & R. 258	1082 d	180, 1244, 1270, 1328
Chailand v. Bray, 1 Dow. Pr. N.		R. v. 1 C. & K. 119 1030,
S. 783	1465 a	1044
Chalmers, R. v. 16 L. T. (N. S.)		R. v. 12 Cox C. C. 4 417,
363	852, 1664	420

TABLE OF CASES.

	SECTION	SECTION
Chapman, Resp. v. 1 Dall. 53,	1803,	Chesman, R. v. L. & C. 140 186
	1812	U. S. v. 19 Fed. Rep. 497
U. S. v. 3 McLean, 390	1299	1881
v. Com., 5 Whart. 427	839	Chess v. State, 1 Blackf. 198 266, 748
v. Gillet, 2 Conn. 40	20,	Chestnut Hill Turnpike v. Butter,
	1260, 1266, 1605	4 S. & R. 6 91, 1476
v. People, 39 Mich. 357	537	Chevalier, Com. v. Dane's Ab. 134
v. State, 2 Head. 36	1142	807
Chappel, Com. v. 116 Mass. 7	1505	Cheverton, R. v. 2 F. & F. 833 158,
v. State, 35 Ark. 345	1070	166
Chappell v. State, 52 Ala. 359	857	Chibnall v. Paul, 29 W. R. 539 1432
Chapple, R. v. 9 C. & P. 355; R.		Chick v. State, 7 Humph. 161 581
& R. 77 241, 242, 1082 d		Child, R. v. 2 Cox C. C. 102 1104
Charles, People v. 3 Denio, 212	1494	Child, R. v. 5 Cox C. C. 197
R. v. 13 Shaw's J. P. 746	560	1308
v. People, 1 Comst. 180	1494	v. Aflock, 4 Man. & R. 338;
v. State, 6 Eng. 389	557	9 B. & C. 403 1631
Charlewood, R. v. 1 Leach, 409; 2		Childress v. State, 10 Tex. Ap. 698 884
East P. C. 689 964, 967, 969		Childs v. State, 15 Ark. 204 1551, 1554
Charlton, State v. 11 W. Va. 332	1512 b	Ching Gang, State v. 16 Nev. 62 1506 a,
Charrette, R. v. 3 Cox C. C. 503	728	1565
R. v. 13 Q. B. 447	1572 b	Chipchase, R. v. 2 Leach, 805 960
Chartrand, Terr. v. 1 Dak. 379	1452	Chisholm, Com. v. 103 Mass. 213
Chase, People v. 16 Barb. 495	1384	1528 a
People v. 27 Hun., 256	1686,	Chittim, State v. 2 Dev. 49 244
	1695	Chitty, State v. 1 Baily, 379 1444
v. People, 40 Ill. 362	61	Choice v. State, 31 Ga. 424 35, 46,
v. State, 46 Miss. 683	484	49, 50, 56, 64
v. State, 50 Wis. 510	539	Choisier, People v. 10 Cal. 310 393
Chathams v. State, 50 Penn. St.		Chorley, R. v. 11 Q. B. 515; 3 Cox
181	1055	C. C. 362 1415
Chatteaux v. State, 52 Ala. 388	1557	Chovin, State v. 7 Iowa, 204 623
Chauncy, ex parte, 2 Ashm. 227	316,	Chrisp, State v. 85 N. C. 528 1431
	384, 385, 390	Christian, R. v. C. & M. 388 1272,
Chandler, R. v. 2 Ld. Ray. 1398		1280, 1314
	1333	R. v. L. R. 2 C. C. 94 1022,
Chavannah v. State, 49 Ala. 396	1491 a	1024, 1052
Chavis, State v. 88 N. C. 353	473	State v. 30 La. An. Pt.
Cheafor, R. v. 2 Den. C. C. 361; 5		I. 367 819
Cox C. C. 367; 8 Eng. L. & Eq.		State v. 66 Mo. 138 473,
598 871, 875		474, 476
Cheatham v. Shearon, 1 Swan, 213		v. Com. 23 Grat. 954 573
	1441	v. State, 40 Ala. 376 1498 a
Cheek, State v. 13 Ired. 114	223	Christmas, State v. 6 Jones (N. C.),
v. State, 35 Ind. 492	459, 494	471 65
v. State, 1 Cold. 172	1164	Christopher, R. v. 8 Cox C. C. 91 902,
v. Com., 79 Ky. 359	1449	903
Cheeney, ex parte, 5 Law Rep. 19	268	Chrystal v. Com. 9 Bush, 669 329
Cheeseman, R. v. L. & C. 140	176,	v. People, 8 Barb. 546 1272
	178, 181, 957	Chu Quong, People v. 15 Cal. 332 590
R. v. 7 C. & P. 455	374,	Chubb, Com. v. 5 Rand. (Va.) 715
	631	1491
Cheney, Com. v. 114 Mass. 281	81,	R. v. Deac. C. L. 1518 1082 a
	1455, 1460	Chunn, State v. 19 Mo. 233 1161, 1227
Cherokee Tobacco Case, 11 Wall.		Church, Com. v. 1 Barr, 105 26, 1424,
616	282 a	1474, 1477
Cherry, R. v. 2 East P. C. 556	923	State v. 63 N. C. 15 604, 606
	State v. 3 Murph. 7	State v. 43 Conn. 471 1177
Ches. & Oh. R. R. State v. 24 W.		State v. 5 Oreg. 575 1857
Va. 809	1431 a, c, 1476 b	Churchill, Com. v. 136 Mass. 151
		1422, 1498 a, 1504, 1516

TABLE OF CASES.

	SECTION		SECTION
Churchill, State v. 25 Me. 300	1502	Clark v. State, 8 Tex. Ap. 350	34
v. Hunt, 4 Taunt. 355;		v. Waterman, 7 Vt. 76	1585
2 B. & Ald. 685	1595	Clarke's Case, Journ. Senate of N.	
Chute v. State, 19 Minn. 271	1420,	Y. 1810	1613
	1428	2 East P. C. 490	771
Cilley, State v. 1 N. H. 97	677	Clarke, R. v. 1 C. & K. 421	186, 820
Cin. R. R. v. Com. 80 Ky. 137	91, 1476	R. v. 4 F. & F. 1040	600
Cin. v. Rice, 15 Ohio, 225	84, 1431 a, b	R. v. 2 Stark. 241	566, 568
Cin. Fert. Co., State v. 24 Ohio St.		State v. 33 N. H. 329	1491
611	91	State v. 8 Ohio St. 630	681
Cisna, U. S. v. 1 McLean, 254	282 a	U. S. v. 2 Cranch C. C. 158	35,
Clancy, Com. v. 7 Allen, 537	730		48, 50
Clap, Com. v. 4 Mass. 163	1599, 1634,	v. Com., 25 Grat. 908	759, 819
1637, 1643, 1644		v. Dixon, 7 H. L. C. 750	1176
Clapp, Com. v. 5 Gray, 97	1530	v. State, 23 Miss. 261	30
Clapper, State v. 59 Iowa, 279	932, 942	Clary, State v. 64 Me. 369	1371, 1381
Clare, State v. 5 Iowa, 509	1516	v. Com. 4 Barr, 210	699, 1347,
Clarissa, State v. 11 Ala. 57	182	1348, 1349, 1357, 1382	
Clark's Case, 6 Grat. 675	180, 192	v. State, 33 Ark. 561	846
Clark, Com. v. 2 Ashm. 105	600	Claworth, R. v. 6 Mod. 163	1426
Com. v. 2 Met. 23	100, 467,	Claxby, R. v. 1 Jur. (N. S.) 710;	
	624, 627	3 C. L. R. 986	1426
Com. v. 14 Gray, 367	1519, 1520	Claxton v. State, 2 Humph. 181	
v. Dasso, 34 Mich. 86	1474		484, 500
People v. 7 N. Y. 385	115, 117,	Clay, R. v. R. & R. 387	925
	314, 380	v. People, 86 Ill. 147	246, 738,
People v. 10 Mich. 310	1348		1623
People v. 33 Mich. 112	1757,	v. State, 4 Kans. 49	282 a
	1758, 1769	v. State, 40 Tex. 57	221
R. v. 2 B. & B. 473	523	Clayburn, R. v. R. & R. 660	783
R. v. Dears. 397; 6 Cox C.		Claypool, U. S. v. 14 Fed. Rep. 27	
C. 412; 29 Eng. L. & Eq.			1822
542	561	Clayton, R. v. 1 C. & K. 128	179, 223,
R. v. 1 Mood. C. C. 376, n.	919		844
R. v. R. & R. 181; 2 Leach,		State v. 41 Tex. 410	1567
1036	878, 879, 880, 954	U. S. v. 2 Dillon, 219	28
State v. 54 N. H. 456	1701	v. State, 15 Tex. Ap. 348	914
State v. 9 Oreg. 466	1757	v. Wardell, 5 Barb. 214;	
State v. 42 Vt. 629	763, 787	4 N. Y. 230	1700
State v. 2 Tyler, 277	1262, 1263	Cleaves, State v. 59 Me. 298	78, 79
U. S. v. 13 Philad. 476	1822	v. Jordan, 34 Me. 9	1473
v. Binney, 2 Pick. 113	1639	Clegg, R. v. 3 Cox C. C. 295.	1082 a
v. Com., 6 Grat. 675	582	R. v. 11 Cox C. C. 212	1055
v. Downing, 55 Vt. 259	609	R. v. 19 L. T. (N. S.) 47	1280
v. Hague, 8 Cox C. C. 324;		Clem v. State, 33 Ind. 418	211, 211 d,
2 E. & E. 381	1082 d		1271
v. Molyneaux, 14 Cox C. C.		v. State, 42 Ind. 420	391
10	1630	Clement v. Fisher, 1 M. & Ry. 281	1669
v. People, 2 Lansing, 329		Clementine v. State, 14 Mo. 112	1430,
	1175, 1215, 1217		1449, 1452
v. Robinson, 88 Ill. 498	1835	Clements v. State, 50 Ala. 117	402, 404
v. State, 49 Ala. 37	1465 b	Cleveland, State v. 58 Me. 564	543
v. State, 12 Ga. 350	641 a	Clew, U. S. v. 4 Wash. C. C. 700	956,
v. State, 37 Ga. 195	283		1027
v. State, 8 Ohio St. 630	740, 743	Clifford, Com. v. 8 Cush. 216	849, 857
v. State, 8 Humph. 671	377,	R. v. 2 C. & K. 201	207, 669,
	380		1136
v. State, 30 Tex. 448		State v. 14 Nev. 72	901
	559, 563, 577	v. Brandon, 2 Camp. 358	1353, 1566

TABLE OF CASES.

	SECTION		SECTION
Clifford v. State, 56 Ind. 245	1135	Coe, R. v. 6 C. & P. 403	182
v. State, 30 La. An. 951	820	Coffee, Com. v. 9 Gray, 139	882 a
v. State, 58 Wis. 477	380,	v. State, 3 Yerg. 283	117
	381, 476, 485	v. State, 4 Lea, 245	1557
Clifton, R. v. 5 T. R. 498	93	Coffey, Com. v. 121 Mass. 66	631
v. State, 73 Ala. 474	112, 119	Coffin, R. v. 2 Cox C. C. 44	902
v. State, 53 Ga. 2411	450, 1458	U. S. v. 1 Summer, 394	1885,
v. State, 5 Blackf. 224	952		1886
Clime v. State, 43 Tex. 494	1203	v. Coffin, 4 Mass. 1	1634, 1644
Cline, State v. 44 Mich. 290	1170, 1213	v. Jenkins, 3 Story, 108	1887
Clinton Bridge, in re, 10 Wal. 454	1473	Coffman, People v. 24 Cal. 230	35, 46,
R. v. Ir. Rep. 4 C. L. 6	863		61
v. Howard, 42 Conn. 295	1474	v. Com., 10 Bush, 495	157
v. State, 36 Ohio St. 27	1498 a	Cogan, Com. v. 107 Mass. 212	1498 a
Cliver v. State, 45 N. J. L. 46	558,	Coggdell, People v. 1 Hill (N. Y.),	901, 902, 903, 904
	577, 578	94	
Close, State v. 35 Iowa, 570	1412,	Coggins, R. v. 1 Green C. C. 48; 12	
	1428, 1433, 1434, 1480	Cox C. C. 517	984, 986
Closs, R. v. D. & B. 460; 7 Cox C.	1128,	v. State, 3 Port. 264	1466
C. 494	675, 681, 1118, 1125,	v. State, 12 Tex. Ap. 109	1083
	1125	Coggswell, State v. 3 Blackf. 55	1579
Clough, People v. 59 Cal. 438	856	Coghlan, R. v. 4 F. & F. 316	852, 1665
People v. 17 Wend. 351	142,	Cognowitch, State v. 34 La. An.	
	1153	519	644
Clow v. Wright, Bray. 118	87, 491	Cohea v. State, 7 Tex. Ap. 188	929
v. State, 9 Tex. Ap. 173	211 a	v. State, 9 Tex. Ap. 173	211 a
Cluderay, R. v. 1 Den. C. C. 515;		Cohen, Com. v. 120 Mass. 198	999,
2 C. & K. 907	182		1000, 1004
Coaks, R. v. 3 El. & Bl. 253	1835	People v. 8 Cal. 42	1043, 1044,
Coates v. State, 72 Ill. 303	528		1050, 1055, 1061
Coats v. People, 22 N. Y. 245	1015,	People v. 7 Col. 274	748
	1035	R. v. 8 Cox C. C. 41	87
Cobb, Com. v. 14 Gray, 57	1734	R. v. 2 Den. 249	472, 975
Com. v. 120 Mass. 356	1449	R. v. 11 Cox C. C. 99	78, 79
Cobbett, R. v. Holt on Libel, 114	1612	R. v. 1 Stark. (N. P.) 511, 1272	
Cobden, R. v. 3 F. & F. 833	810, 811	Cohoone, State v. 12 Ired. 178	1833
Cobletz v. State, 36 Tex. 353	900,	Coker v. State, 63 Ala. 237	1557
	1050	Colbert v. State, 1 Tex. Ap. 314	1186
Cochran v. State, 6 Gill, 400	839	Colby, State v. 55 N. H. 72	1502, 1509
v. State, 26 Tex. 678	1502,	v. State, 51 Vt. 291	1735
	1510	v. Sampson, 5 Mass. 310	1667
Cock v. Weatherby, 5 Sm. & M.		Colchester, Mayor of, v. Brooks, 7	
333	869	Q. B. 339	464, 1426
Cockburn, R. v. 3 Cox C. C. 543	562,	Cole's Case, Moor, 466	816
	576, 577	Cole, People v. Cent. Law J., July	
v. State, 24 Tex. 394	1557	30, 1874	459
Cockcroft, R. v. 11 Cox C. C. 410	568	People v. 43 N. Y. 508	919
Cooke v. Com., 13 Grat. 750	733, 740	People v. 4 Parker-C. R. 35	500
Cocker, State v. 3 Harring, 554	119,	State v. 90 Ind. 112	1074
	819	State v. 2 McCord, 117,	1538,
Cockrehan v. State, 7 Humph. 11			1556
	1556 a	State v. 19 Wisc. 129	718
Cocks v. Izard, 7 Wal. 559	1370	U. S. v. 5 McLean, 513	185,
Codd v. Cabe, 13 Cox C. C. 202	648		1398, 1398, 1894
Codrington, R. v. 1 C. & P. 661	1126,	v. Com., 5 Grat. 696	950
	1161	v. People, 84 Ill. 216	1362, 1382
Cody, State v. Wins. (N. C.) 197	810	v. People, 37 Mich. 544	758
Coe, Com. v. 7 Allen, 577	1082 a	v. State, 6 Baxt. 239	739
Com. v. 115 Mass. 481	887, 1176,	v. State, 9 Tex. 42	1465 c
	1184, 1186, 1196, 1221, 1227	v. State, 10 Tex. Ap. 67	640
VOL. II.—44		689	

TABLE OF CASES.

	SECTION
Cole v. State, 10 Vroom, 324	1350
Colgrove v. N. Y. & N. H. R. R. 6	
Duer, 382; 20 N. Y. 492	356
Coleman, People v. 1 N. Y. Cr. R. 1	45
R. v. 2 East P. C. 672	1141
State v. 27 La. An. 691	50, 61
State v. 5 Porter, 32	218,
570, 1387	
State v. 17 S. C. 473	
v. Com., 25 Grat. 865	735
v. People, 55 N. Y. 81;	
58 N. Y. 555	983
v. State, 28 Ga. 78	645 d
v. State, 20 S. C. 441	46, 61,
119, 674	
v. State, 97 U. S. 509	283,
293	
Collberg, Com. v. 119 Mass. 350	636
Collicott, R. v. 2 Leach, 1048; 4	
Taunt, 300; R. & R. 219	700
Collier, People v. 1 Mich. 187	1244,
	1304
R. v. 5 C. & P. 160	683
State v. 72 Mo. 13	1858
v. State, 69 Ala. 247	380
v. State, 39 Ga. 31	344, 641
v. State, 4 Tex. Ap. 12	1082 d
Collins, Com. v. 12 Allen, 181	888
Com. v. 8 Phila. 609	1162
People v. 53 Cal. 185	770,
772, 810	
R. v. 9 C. & P. 456	1611, 1640
R. v. L. & C. 471	185, 186, 195
R. v. 2 M. & Rob. 461	674
R. v. 2 M. & Rob. 545	702
State v. 11 Iowa, 141	1498 a
State v. 1 McCord, 355	75, 79,
81, 1509	
State v. 48 Me. 217	1450, 1517
U. S. v. 2 Curtis C. C. 194	1873
v. Banbury, 3 Ired. 277; 5	
Ired. 118	1426
v. Com., 3 S. & R. 220	1348,
1382, 1400, 1405	
v. People, 1 Hun, 610; 4	
Thomp. & C. 77	1685
v. People, 39 Ill. 233	857, 955
v. State, 14 Ala. 608	1747
v. State, 33 Ala. 434	984
v. State, 3 Heisk. 14	179, 198,
207	
v. State, 32 Iowa, 36	489
v. State, 10 Tex. Ap. 701	
1747, 1748 b	
v. State, 25 Tex. Sup. 202	1857
v. Thomas, 1 F. & F. 416	1101
Collison, R. v. 4 C. & P. 565	214, 220.
Collum v. State, 10 Tex. Ap. 708	1733
Colly v. State, 55 Ala. 85	1173
	690
	566
Conkright, State v. 58 Iowa, 238	1762
Conlee, State v. 25 Iowa, 237	92
Conley, Com. v. 1 Allen, 6	1444
State v. 39 Me. 78	534, 536,
	537
	211 d, 330, 494, 1402
Colmer, R. v. 9 Cox C. C. 506	600
	397, 398
Colt, People v. 3 Hill (N. Y.), 432	519
Colton, Com. v. 8 Gray, 488	1431
People v. 2 Utah, 457	1748 b
v. State, 31 Miss. 504	493
Columbus, U. S. v. 5 Cranch C. C.	
304	1449, 1450, 1454, 1456
Colvin, State v. 90 N. C. 717	178, 180,
v. Reed, 55 Penn. St. 375	1695
v. State, 11 Ind. 361	743, 190
Combe's Case, Noy, 101; Moore,	
760	673
Comfort, State v. 22 Minn. 271	1080,
	1082 d
v. Com., 5 Whart. 437	652 a
Commeskey, Com. v. 13 Allen, 585	
	1528 a
Commissioners, People v. 59 N. Y.	
92	1530
R. v. 2 M. & S. 80	91
R. v. 2 T. R. 232	93
State v. Walk.	
(Miss.) 366	93,
1485, 1486	
State v. 3 Hill (S.	
C.), 149	1473
Compton, R. v. 7 C. & P. 139	771, 814
Comstock, People v. 49 Mich. 330	641
State v. 46 Iowa, 265	237,
553 a	
State v. 14 Neb. 215	554
State v. 27 Vt. 553	1530
v. Gage, 91 Ill. 330	1063
Conally, State v. 3 Oreg. 69	486
Conant, Com. v. 6 Gray, 482	1499,
	1505, 1513, 1528 a
U. S. v. U. S. Distr. Ct.	
(Mass.) 1879	1009, 1063
Concepcion, La, 6 Wheat. 235	1905,
	1908, n.
Conde, R. v. 10 Cox C. C. 547	331, 369
Cox C. C. 146; 46 L. T. 307	142,
212, 372, 536	
Confiscation Cases, 1 Woods, 221	1784
Conger, People v. 1 Wheel. Cr. Cas.	
449	1135
State v. 14 Ind. 396	1465 c
Congleton, People v. 44 Cal. 92	641,
	644, 645 d
Conkey v. People, 5 Parker C. R.	
31	566
566	
Conkright, State v. 58 Iowa, 238	1762
Conlee, State v. 25 Iowa, 237	92
Conley, Com. v. 1 Allen, 6	1444
State v. 39 Me. 78	534, 536,
	537

TABLE OF CASES.

	SECTION
Connaughty v. State, 1 Wis. 159	211
	211 d, 330, 494, 1402
Conneally, Com. v. 108 Mass. 480	
	1499, 1528 a
Connell, Com. v. 3 Grat. 587	1665,
	1670, 1671
State v. 63 Me. 121	1528 a
State v. 38 N. H. 81	1522
v. State, 46 Ind. 446	1505,
	1513
Conner, R. v. 7 C. & P. 438	344, 374
v. Com., 13 Bush, 714	542
v. Com., 2 Va. Cas. 30	1257,
	1276
v. State, 25 Ga. 515	984
U. S. v. 3 McLean, 573	1246,
	1249
Connolly, Com. v. 97 Mass. 478	1838
R. v. 26 Up. Can. Q. E.	
323	577
Connor, R. v. 7 C. & P. 438	317
v. State, 59 Iowa, 357	176,
	641
State v. 30 Ohio St. 405	1512 a,
	1513
U. S. v. 3 McLean, 573	87
Connors, Com. v. 116 Mass. 35	1498 a
State v. 45 N. J. 340	518
Connelly, R. v. 2 Lewin, 229	79
State v. 3 Rich. 337	1537
Conover, State v. (N. J.) 4 Crim.	
Law Mag. 233	600
Conrahy, R. v. 2 Craw. & Dix. Jr.	
C. R. 86	125, 373 a
Conrow, Com. v. 2 Barr, 402	634
Conway, Com. v. 1 Brewst. 509	1092,
	1101
Com. v. 2 Leg. Chron.	
(Pa.) 399; 3 Leg.	
Chron. (Pa.) 27	95, 1431 c
State v. 18 Mo. 321	884, 899,
	902
U. S. v. 18 Blatch. 566	1841 a
Cony, Com. v. 2 Mass. 523	
	1559, 1577
Conyers v. State, 50 Ga. 103	1466
Coogen, R. v. 1 Leach, 449; 2 East	
P. C. 948	682, 695, 739
Cook, Com. v. 12 Allen, 542	1524
Com. v. 12 Metc. 93	1765
Com. v. 1 Rob. (Va.) 729	89,
1245, 1247, 1251, 1286, 1302	
People v. 61 Cal. 478	1759, 1765
People v. 39 Mich. 236	157, 159,
	499
People v. 8 N. Y. 67	1251, 1570,
	1572 d, 1589
State v. 52 Ind. 574	728 a, 739
U. S. v. 17 Wall. 168	1063
v. Brown, 125 Mass. 503	1347
	1465 a, 1467 a
Coon, People v. 15 Wend. 277	85,
	1568, 1571, 1572 b, 1573, 1576
Cooper's Case, Cro. Car. 544	494, 505
Cooper, Com. v. 130 Mass. 285	1025
	ex parte, 3 Tex. Ap. 489
	872
R. v. 5 C. & P. 535	225, 226,
	825, 828, 833
R. v. 1 Cox C. C. 266	220
R. v. 3 Cox C. C. 547	1665,
	1666 a
R. v. 1 Den C. C. 459	1563
R. v. L. R. 2 C. C. 123	1009,
	1028, 1057
R. v. L. R. 2 Q. B. D. 510	
	1135, 1170
R. v. 8 Q. B. 533	1595, 1623
R. v. 1 Russ. on Cr. 405	1548
State v. 1 Green (N. J.)	
	381
	317, 320
State v. 16 Mo. 551	1522
State v. 71 Mo. 436	379, 391
State v. 16 Vt. 551	810, 1720,
	1741

TABLE OF CASES.

SECTION		SECTION	
Cooper, State v. 2 Zabr. 57	592	Coslett's Case, 1 Leach, 236	923
v. Lawson, 8 Ad. & El. 746		Cosser, R. v. 13 Cox C. C. 187	1022,
	1639		1053, 1055
v. Martin, 4 East, 77	349	Costello, Com. v. 120 Mass. 358	680,
v. State, 8 Baxt. 324	634		695, 696
v. State, 75 Ind. 62	1556	Com. v. 133 Mass. 192	1498 a
v. State, 27 Ohio St. 272		Costley, Com. v. 118 Mass. 1	154, 528
	1465 b, 1466	v. State, 14 Tex. Ap. 156	682,
v. Wooley, L. R. 2 Ex. 257	1412		695
Coots, R. v. 2 Cox C. C. 188	813	Costlin, State v. 89 N. C. 511	1011,
Cope, R. v. 1 Strange, 144	1398		1018
Copeland, R. v. C. & M. 517	1148	Cothran v. State, 39 Miss. 541	1245,
State v. 86 N. C. 691	912,		1284, 1317
	922	Cotta, People v. 49 Cal. 166	117, 380,
v. State, 7 Humph. 479	477,		522
Coppenburg, State v. 2 Strobb. 273	484	Cotter, Com. v. 97 Mass. 336	1520
	982, 986, 997	Cottingham, U. S. v. 2 Blatchf. 470	149
Copperman v. People, 56 N. Y. 591	983	Cottle, State v. 15 Me. 473	
Coppersmith, U. S. v. 1 Crim. L.			1502, 1510
Mag. 741; 2 Flip. 546	22, 748	Cotton v. State, 31 Miss. 504	102, 487
Copping v. State, 7 Tex. Ap. 61	1556 a	v. State, 4 Tex. 260	628
Corbett, State v. 1 Jones (N. C.),		Cotton Planter Ship, 1 Paine, 23	86
264	1128	Cottrell, People v. 18 Johns. 115	826,
State v. (S. C. Rh. Is.			829
1879)	1660	Couch v. State, 28 Ga. 367	713
Corbin, U. S. v. 17 Fed. Rep. 238	728 a	v. State, 24 Tex. 557	1453
Core, People v. 59 Cal. 390	856	Coughlin, Com. v. 14 Gray, 389	1509
Corey v. People, 45 Barb. 262	503, 624	Com. v. 123 Mass. 436	613
Corfield v. Coryell, 4 Wash. C. C.		Coulson, R. v. T. & M. 352; 1 Den.	
371	1835	592; 4 Cox C. C. 227	1162, 1164,
Corken, Com. v. 136 Mass. 429	597,		1217, 1233
	698	Coulter v. Am. Mer. Un. Expr. Co.	
Cerley, State v. 4 Baxt. 410	681	5 Lansing, 67	164
Corlies, City v. 2 Bailey, 186	1501	Council, State v. 1 Tenn. 305	18, 899,
Com. v. 3 Brewst. 575; 8			1067, 1070
Phila. 450	284, n., 1397	County, R. v. 2 Russ. Cr. 329	928
Cornelius v. State, 13 Tex. Ap. 349	572, 573	Court, R. v. 6 Cox C. C. 202	1081
		Courtney's Case, Hawk. c. 1, s. 7	207
Cornell, U. S. v. 2 Mason, 91	50, 54,	Courtney, People v. 94 N. Y. 490	1277
115, 117, 260, 314, 381, 1275		R. v. 7 Cox C. C. 111	1279,
v. State, 7 Baxt. 520	1428		1284
v. State, 6 Lea, 669	634	Cousins, Com. v. 2 Leigh, 708	928
Cornetti, People v. 92 N. Y. 85	119,	Covington, State v. 2 Bailey (S.	
	380	C.), 569	149
Cornish, Com. v. 6 Binn. 249	89, 1245	State v. 70 N. C. 71	100,
R. v. 33 Eng. L. & Eq.			1112
527; Dears. 425; 6 Cox		Covy v. State, 4 Port. 180	1466
C. C. 432	963, 967		
Cornwall, R. v. R. & B. 336	600	Cowan, R. v. 24 Up. Can. (Q. B.)	
R. v. 2 Strange, 881	766	606	1283
Cornwallis's Case, 2 St. Tr. 730	304	State v. 7 Ired. 239	850, 857
Cornwell v. State, Mar. & Yerg. 147	48, 50, 54	v. Milbourne, L. R. 2 Ex.	
		236	14 a
Corrie, U. S. v. 1 Brunf. 686	1889	Coward v. Wellington, 7 C. & P.	
Corson, Com. v. 2 Parsons, 475	1728	531	1630
State v. 59 Me. 137	31	Cowdin, State v. 28 Kan. 269	1174
Cory, R. v. 10 Cox C. C. 23	871	Cowell, State v. 4 Ired. 231	1737
	692		
		State v. 12 Nev. 337	810
		Coven v. People, 14 Ill. 348	1171,
			1184, 1188, 1214, 1218
		Cowles v. State, 50 Ala. 454	1166

TABLE OF CASES.

SECTION		SECTION	
Cowley v. People, 83 N. Y. 464	632,	Crause, Com. v. 4 Clark (Phil.),	
	1585	500	377
v. Pulsifer (Mass. 1884),	1639	Craven, R. v. R. & R. 14	878
v. State, 10 Lea, 282	607	Crawford, State v. 2 Dev. 425	582
Cox, Com. v. 7 Allen, 577	1078, 1080	State v. 34 Iowa, 40	1758
People v. 9 Cal. 32	538	State v. 11 Kans. 32	61
People v. 40 Cal. 275	1044	State v. 13 La. An. 300	728
People v. 45 Cal. 343	1160	Crawley, R. v. 3 F. & F. 109	1434
R. v. 2 Burr. 785	1431 c	State v. 13 La. An. 300	737
R. v. 1 C. & K. 494	870	Creed, R. v. 1 C. & K. 63	1030
R. v. 4 C. & P. 538	1546, 1550	v. People, 81 Ill. 565	825
R. v. 1 Leach, 82	1286	Creek v. State, 24 Ind. 480, 488,	489, 493
State v. 29 Mo. 475	1499	Creevey, E. v. 1 M. & S. 273	1634,
State v. 65 Mo. 29	211 d, 1402		1637, 1639, 1645
State v. N. C. Term R. 165	1720,	Crenshaw, People v. 46 Cal. 65	238
	1741	State v. 22 Mo. 457	1082 d
R. v. R. & R. 362	119, 315	Crepps v. Durden, 2 Cowp. 640	27
State v. 52 Vt. 471	1498 a	Crespiigny, R. v. 1 Esp. 280	1246, 1283
v. Coleridge, 1 B. & C. 37	634	Creswell, R. v. 13 Cox C. C. 126	1699
v. Lee, L. R. 4 Ex. 284	1595	Crews v. State, 3 Cold. 350	847, 857
v. People, 19 Hun. 430	540	Cribbs, Penn. v. Addis, 277	1539, 1542
v. People, 82 Ill. 191	179, 1749	Crichton v. People, 6 Parker C. R.	
v. People, 80 N. Y. 600	167, 384,	363	142, 594
	393, 520, 525, 540	v. State, 5 Tex. Ap. 493	377
v. State, 5 Tex. Ap. 493		Coxe v. Winan, Cro. Jac. 150	434
Coxhead, R. v. 1 C. & K. 623	600, 601	Coxhead, R. v. 1 C. & K. 623	600, 601
Coyle, State v. 41 Wis. 267	682	Crilley, People v. 20 Barb. 246	1505
v. Com., 100 Penn. St. 593	44,	Cripland, R. v. 11 Mod. 387	1857, 1858
	61, 63	Crippen v. People, 8 Mich. 117	1426
Coyles v. Hurten, 10 Johns. 85	432	Crisham, R. v. C. & M. 187	211 b, 221,
Cozens, R. v. 2 Doug. 426	1571, 1572 b		569
Crab, R. v. 11 Cox C. C. 85	1145	Crisp, R. v. 1 B. & A. 282	1559
Crabtree v. State, 30 Ohio St. 382	88,	v. Walpole, 2 Hagg. 52	725
	1507, 1512 a	Crissie, People v. 4 Denio, 525	1130,
Cracknell, R. v. 10 Cox C. C. 408	852,		1154, 1160, 1187, 1195
	1664	Crocker, R. v. R. & R. 97	653
Craddock, R. v. 2 Den. C. C. 31; T.		Crockett v. State, 33 Ind. 416	95, 1431 b
& M. 361; 1 Eng. L. & Eq. 563	1005	v. State, 49 Ga. 185	557
Craddock, R. v. 3 F. & F. 837	1701	Crockett v. State, 33 Ind. 416	1431 c
Craft v. State, 3 Kans. 450	380	v. State, 5 Tex. Ap. 526	663
Crafton, U. S. v. 4 Dill. 145	1356 a	Crofts, R. v. 2 Str. 1120	75, 79
Craig, U. S. v. 4 Wash. C. C. 729	715	R. v. 7 Mod. 397	1509
v. People, 47 Ill. 487	1473	Croghan v. State, 22 Wis. 444	1764 a
Craigie, State v. 89 N. C. 475	923	Cronin, Com. v. 117 Mass. 140	1498 a,
Cramer v. Riggs, 17 Wend. 209	1596,		1520
	1611	People v. 34 Cal. 191	525
Cramp, R. v. 5 Q. B. D. 309; 14 Cox		Crook, R. v. 2 Str. 901	713, 743, 745
C. C. 401	596	Cooke, R. v. 2 Str. 901	743, 745
Crampton v. State, 37 Ark. 108	88,	Croom v. State, 71 Ala. 14	926
	1507, 1512 a	Crosby, U. S. v. 1 Hughes, 448	1372
Crandall, U. S. v. 4 Cranch C. C.		Cross, R. v. 2 C. & P. 483,	1413, 1415
683	1651	R. v. 3 Camp. 227	97 a, 1415,
v. Nevada, 6 Wash. 35	1835		1474
v. People, 2 Lansing, 309		R. v. D. & B. 460	688
	1763	R. v. 1 F. & F. 510	1708
Crane, U. S. v. 4 McLean, 317	212, 237	State v. 12 Iowa, 66,	188, 558,
Crank, State v. 2 Bailey, 66	244		577
Craton, State v. 6 Ired. 164	463, 473,	State v. 55 Wis. 262	644
	476, 496	v. People, 47 Ill. 152	697
	693	v. State, 1 Yerg. 261	1568, 1574

TABLE OF CASES.

	SECTION
Crossley, v. R. 2 M. & Rob. 17	1203
R. v. 7 T. E. 315	1257, 1294
v. Leghtowler, L. R. 2 Ch. 478	1417
Crosswell, People v. 3 Johns. Cas. 337	1643, 1650
v. People, 13 Mich. 426	560
Crotty, Com. v. 10 Allen, 403	422
Crowcher, People v. 2 Wheel. C. C. 42	551, 566
Crouse v. State, 16 Ark. 566	1741
Crow, State v. 1 Ired. 375	603
State v. 2 Wbart. & St. Med. J. 271	560
v. State, 41 Tex. 468	606, 607
Crow Dog, <i>ex parte</i> , 109 U. S. 556	282 a
Crowder, State v. 39 Tex. 47	1466
Crowe, <i>mre</i> , 3 Cox C. C. 123	1611, 1615
v. People, 92 Ill. 131	1595
Crowell, State v. 25 Me. 174	1500
Crowley, People v. 23 Hun. 412	1566
State v. 13 Ala. 172	1733, 1735
v. Com., 11 Met. 575	819
Crownier, State v. 56 Mo. 147	1721 a,
Crowninshield, Com. v. 10 Pick. 497	1398
Crowther, Com. v. 117 Mass. 116	1431
R. v. 5 C. & P. 316	713, 714
Crozier, State v. 12 Nev. 300	455
v. People, 1 Parker C. R. 453	1757, 1758
Cruikshank, State v. 6 Blackf. 62	1281
U. S. v. 92 U. S. 542	1360, 1381
Cruiser v. State, 3 Harr. 205	1085
Crumb, State v. 68 Mo. 206	1288
Crumbley v. State, 61 Ga. 582	182, 606, 642
Crummey, State v. 17 Minn. 72	1465 b
R. v. 1 C. & P. 658	885
v. Com., 75 Va. 922	1276
v. Lambert, L. R. 3 Eq. 409	1412, 1433
Crumpler, State v. 88 N. C. 647	1474
Crumpton, R. v. C. & M. 597	360, 518
Cunden, R. v. 2 Camp. 89; 1 B. & Ad. 933	1415, 1431, 1468, 1470
Cruse, R. v. 8 C. & P. 541, 546	51, 53, 76, 79, 211, 214
Crusen v. State, 10 Ohio St. 258	1319
Crutchley, R. v. 5 C. & P. 133	94, 1082 a
R. v. 7 C. & P. 814	446
Cuddy, R. v. 1 C. & K. 210	482, 483, 1773
Culkin, R. v. 5 C. & P. 121	519, 522, 523

TABLE OF CASES.

	SECTION
Cullen v. Com., 24 Grat. 624	483, 1773, 1774 a
Cullins, Com. v. 1 Mass. 116	930, 940
Cullum, R. v. 12 Cox C. C. 469	1021, 1023, 1024
Culp v. State, 1 Porter, 33	878
Culver, Com. v. 1 Clark (Pa.), 361;	2 Penn. L. J. 365 1637
Cummings, State v. 33 Conn. 260	901, 930
v. Com. 2 Va. Cas. 128	882, 955
v. Missouri, 4 Wall. 277,	28, 30
v. Perham, 1 Met. 555	872
v. State, 1 H. & J. 340	291, 930
Cummins, People v. 47 Mich. 334	48
v. State, 12 Tex. Ap. 121	272, 291
Cumpton, R. v. L. R. 5 Q. B. D. 341	648, 652
Cundick, R. v. D. & R. (N. P.) 13	1432 a
Cundy v. Le Cocq, 51 L. T. (N. S.) 265	88, 1507, 1512 a
v. Lindsay, 3 App. Ca. 459	888
Cunningham, Com. v. 13 Mass. 245	640
People v. 1 Denio,	524, 97 a, 1412, 1415, 1428, 1474
State v. 21 Iowa, 433	935
v. Bulklin, 8 Cow.	178 1571
v. People, 4 Hun, 455	697
v. State, 73 Ala. 51	1763
v. State, 49 Miss. 685	180, 743 a
v. State, 56 Miss. 269	38, 44, 61
Curgerwen, R. v. L. R. 1 C. C. 1;	10 Cox C. C. 152 1882, 1708
Curkendall v. People, 36 Mich. 309	783
Curl, R. v. 2 Str. 789	1805, 1606
Curlin v. State, 4 Yerg. 143	223
Curling, People v. 1 Johns. 320	119, 718, 743 a, 744
Curran, Com. v. 119 Mass. 206	1528 a
R. v. 3 C. & P. 397	428, 444
R. v. 1 Mood. C. C. 132	648
State v. 51 Iowa, 112	1762, 1763
Currier, State v. 23 Me. 43	1462
Curry v. Com., 2 Bush, 67	52
v. State, 1 Jones, N. C. 250	455
v. State, 4 Neb. 545	645
Curtis's Case, Fost. C. L. 135	423
Curtis, State v. 4 Dev. & Bat. 222	1101
State v. 30 La. An. 814	818
Curtis, State v. 70 Mo. 594	880, 388
State v. 71 N. C. 56	848, 849
U. S. v. 107 U. S. 671	1262, 1270
v. Hubbard, 1 Hill (N. Y.), 336;	S. C. 4 Hill, 437 494, 501, 505
v. Mussey, 6 Gray, 261	88, 1636, 1649
v. People, 1 Breese, 199	645
Curwan, R. v. 1 Mood. C. C. 132	481
Curwood, R. v. 5 Nev. & M. 369	1429
Cushing, State v. 11 R. I. 313	1048
Cushman v. Ryan, 1 Story, 91	628
Cuthbert, State v. T. Charl. 13	1680
Cutler, Com. v. 9 Allen, 486	1498 a
U. S. v. 1 Curtis C. C. 502	1873
v. Dixon, 4 Co. 145	1639
v. State, 59 Ind. 300	604, 606
Cutter v. State, 36 N. J. L. 125	84, 85, 85 a, 87, 1576
Cutts, R. v. 4 Cox C. C. 435	1304
	D.
Dade, R. v. 1 Mood. C. C. 307	655, 675
Dadson, R. v. T. & M. 389; 2 Den. 36	402, 420, 444
Daily, Com. v. Append. Wh. Hom. 434	Com. v. 183 Mass. 577 1498 a, 1520, 1528 a
State, 10 Ind. 536	751, 754
Dains v. State, 2 Humph. 439	117, 377, 380
Daintree v. Hutchinson, 16 M. & W. 87	1465 a
Dakin, R. v. 1 Lew. C. C. 166	505
Dale E. v. 7 C. & P. 352	1176, 1177, 1183
R. v. 6 Cox C. C. 14	181
R. v. 1 Mood. C. C. 307	217
R. v. 1 R. & M. 5	530
v. State, 10 Yerg. 551	377, 380
Daley, Com. v. 4 Penn. L. J. 145	220, 377, 380, 384, 484, 494, 505
State v. 41 Vt. 564	644
State v. 53 Vt. 442	987
v. Webb, 4 Irish R. (C. L.) 309	1537, 1543
Dallinger, Com. v. 118 Mass. 439	1434
	680, 682, 689, 696
Dalloway, R. v. 2 Cox C. C. 273	305
R. v. 2 Cox C. C. 509	319
Dalton, People, v. 15 Wend. 581	1013, 1023, 1029, 1033
State v. 27 Mo. 13	638
Daly, R. v. 9 C. & P. 342	1559
v. People, 39 Hun, 182	396
	Dame v. Baldwin, 8 Mass. 518 Dameron v. State, 8 Mo. 494
	967 1446, 1747
Damon, Com. v. 105 Mass. 580	1239
Com. v. 136 Mass. 442	1596, 1627, 1651
Dana's Case, 7 Ben. 1	288
Dana, Com. v. 2 Met. 329	292 a, 1495, 1497
v. State, 2 Ohio St. 91	728 a
Daney, State v. 83 N. C. 608	558
Dandy, State v. 1 Brev. 395	1560
Dane, R. v. 1 F. & F. 323	1708
Danenhofer v. State, 69 Ind. 295	632
Danforth, State v. 3 Conn. 112	15 a, 173, 581, 582, 583
State v. 48 Iowa, 43	1744, 1763
v. Streeter, 28 Vt. 490	1854
Danger, R. v. D. & B. 307	1195
Daniel, State v. 87 N. C. 507	508
v. Jones, 2 C. P. D. 351	1082 d
Daniell, R. v. 6 Mod. 99	134
Daniels, Com. v. 2 Parsons, 332	1147, 1170, 1218
Com. v. 2 Va. Cas. 402	1556
State v. 44 N. H. 383	1837, 1844, 1846
Dann, People v. Sup. Ct. Mich. 1884	491, 501
Dannelly, R. v. R. & R. 310; 2	Marsh, 571 237
Dant, R. v. L. & C. 567; 10 Cox C. C. 102	357
v. State, 83 Ind. 60	1505
Danville R. R. Co. v. Com. 73 Penn. St. 29	1424, 1474, 1476,
Darby, R. v. 3 Mod. 138	1603
R. v. 7 Mod. 100	1332
Dargan v. Waddell, 9 Ired. 244	1412
Dark, R. v. 1 Den. 276	1180
Darling v. Williams, 35 Ohio St. 58	488, 492
	1082 d
Darragh, State v. 1 Houst. 112	1682, 1714
v. State, 44 Miss. 789	1572 d
Darst v. People, 51 Ill. 286	1537, 1543
Dartnell, R. v. 20 L. T. (N. S.) 1060	961
Dater v. Troy R. R. Co. 2 Hill (N. Y.), 629	91
Daubney v. Cooper, 10 B. & C. 237	634
Dauphin, U. S. v. 20 Fed. Rep. 625	1831
Davenport, Com. v. 2 Allen, 299	1451,
R. v. 1456, 1458 a, 1498 a, 1590	1456, 1458 a, 1498 a, 1590
C., 545	1376
	695

TABLE OF CASES.

SECTION		SECTION	
Davenport, <i>in re</i> , 18 Blatch. 336	1835	Davis, State <i>v.</i> 14 Nev. 439	1671, 1679
R. <i>v.</i> Arch. Peel's Acts,		State <i>v.</i> 26 Tex. 201	644
5	965	U. S. <i>v.</i> 5 Mason, 346	260
v. Com. 1 Leigh, 588	558	U. S. <i>v.</i> 2 Sumner, 482	248,
v. Lynch, 6 Jones (N.		269, 279, 288	
v. State, 38 Ga. 184	1544	v. Com., 18 Bush, 318	88, 1714
Davidson, Com. <i>v.</i> 1 Cush. 33	1167,	v. Com., 30 Penn. St. 4211	978
1175, 1180, 1216, 1221, 1227		v. Duncan, L. R. 9 C. P. 396	
v. State, 9 Hump. 455	641		1636
Davie v. Briggs, 97 U. S. 628	1691	v. Goodenow, 27 Vt. 715	359
Davies, R. <i>v.</i> 2 East P. C. 709	850	v. Mayer, 14 N. Y. 524	1474
R. <i>v.</i> 1 F. & F. 69	35, 40	v. Meeker, 5 Johns. 354	1160
R. <i>v.</i> 1 Russ. Cr. 491	360	v. People, 88 Ill. 350	446, 484,
R. <i>v.</i> 14 W. R. 679	1058	488	
Davis, Com. <i>v.</i> 7 Bost. Law Rep. 94		v. People, 1 Parker, C. R.	
1013, 1019		447	813
Com. <i>v.</i> 12 Bush, 240	28	v. People, 2 Th. & C. (N.	
Com. <i>v.</i> 9 Cush. 283	940	Y.) 212	597
Com. <i>v.</i> 11 Gray, 48	1452	v. Soc. Pr. C. to An. 16 Abb.	
Com. <i>v.</i> 9 Mass. 415	1382	Pr. (N. Y.) N. S. 73; 75	
Com. <i>v.</i> 104 Mass. 548	956, 960	N. Y. 362	1067, 1070, 1082d
1027		v. State, 17 Ala. 415	940
Com. <i>v.</i> 121 Mass. 352	1528a	v. State, 39 Ala. 521	1499
Com. <i>v.</i> 11 Pick. 432	1442, 1444	v. State, 52 Ala. 357	837, 839
ex parte, Chase, 15,	1799	v. State, 10 Ga. 101	392
People <i>v.</i> 61 Cal. 536,	1319	v. State, 3 H. & J. 154	580
People <i>v.</i> 56 N. Y. 96	526, 532,	v. State, 52 Ind. 488	
592, 597		v. State, 39 Md. 355	1450, 1499
People <i>v.</i> 21 Wend. 309	716	v. State, 39 Mo. 542	
743a		v. State, 84 N. C. 629	1286
People <i>v.</i> 1 Wheeler, C. C.		v. State, 7 Ohio, 204	1466
230	69	v. State, 15 Ohio, 72	78, 79
R. <i>v.</i> 1 C. & P. 306	119	v. State, 38 Ohio St. 515	801,
R. <i>v.</i> 6 C. & P. 177	983, 988	804	
R. <i>v.</i> 7 C. & P. 785	414, 418	v. State, 42 Tex. 226	573
R. <i>v.</i> 6 Cox C. C. 369	771	v. State, 43 Tex. 189	555
R. <i>v.</i> 11 Cox C. C. 181	1142,	v. State, 6 Tex. Ap. 133	634
1149		v. State, 12 Tex. Ap. 609	1082d
R. <i>v.</i> 14 Cox C. C. 563	48	v. State, 15 Tex. Ap. 475	641
R. <i>v.</i> 2 Den. C. C. 231	1512	v. State, 15 Tex. Ap. 594	839
R. <i>v.</i> 36 Eng. L. & Eq. 607;		Davison <i>in re</i> , 21 Fed. Rep. 618	294
Dears C. C. 640	966	v. Duncan, 7 El. & Bl. 229	
R. <i>v.</i> L. & C. 64	426, 444		1634
R. <i>v.</i> 2 Leach, 876	784	v. People, 90 Ill. 221	461, 488,
R. <i>v.</i> R. & R. 113	219, 710	600	
R. <i>v.</i> R. & R. 322	760, 783	v. Seal-skins, 2 Paine, 324	
R. <i>v.</i> R. & R. 499	761, 775	1860, 1876	
R. <i>v.</i> Say, 163	24	v. State, 12 Tex. Ap. 214	1116
State <i>v.</i> 1 Houst. 13	457	Davitt, R. <i>v.</i> 11 Cox C. C. 676	1794
State <i>v.</i> 53 Iowa, 252	676, 696	Dawell, People <i>v.</i> 25 Mich. 247	1695
State <i>v.</i> 1 Ired. 128	182, 603,	Dawkins <i>v.</i> Gill, 10 Ala. 206	1829
604, 606		v. Paullet, L. R. 5 Q. B. 94	
State <i>v.</i> 2 Ired. 153	176		1635, 1639
State <i>v.</i> 22 La. An. 77	15 a, 864	v. Rokeby, L. R. 8 Q. B.	
State <i>v.</i> 29 Mo. 391	221	255; 4 F. & F. 806;	
State <i>v.</i> 69 N. C. 313	730, 733,	L. R. 7 H. L. C. 744	1635,
1251			1638, 1639
State <i>v.</i> 80 N. C. 351	97a	Dawson, R. <i>v.</i> 3 Stark. 62	575, 641a
State <i>v.</i> 87 N. C. 514	229	State <i>v.</i> 2 Bay, 360	247, 1603
State, <i>v.</i> 14 Nev. 407	645 d		

TABLE OF CASES.

SECTION		SECTION	
Dawson, U. S. <i>v.</i> 15 How. 467	271	Deeley, R. <i>v.</i> 4 C. & P. 579;	1
v. State, 29 Ark. 116	550, 558	Mood. C. C. 303	1712
v. State, 16 Ind. 428	51	Deer, R. <i>v.</i> 9 Cox C. C. 225; L. &	
v. State, 52 Ind. 478	1068,	C. 240	920
	1070, 1082c		
v. State, 33 Tex. 491	455, 485	Deering, R. <i>v.</i> 11 Cox C. C. 298	883
v. State, 7 Tex. Ap. 59	1556	De Forest <i>v.</i> State, 21 Ind. 23	494, 505
Day, R. <i>v.</i> 9 C. & P. 722	577	Defreser <i>v.</i> State, 3 Heisk. 53	964
R. <i>v.</i> 1 Cox C. C. 207	617	Degey, People <i>v.</i> 2 Wheel. C. C.	
State <i>v.</i> 74 Me. 220	1832, 1846	135	1556 a
State <i>v.</i> 3 Vt. 138	1473	Deggis <i>v.</i> State, 7 Tex. Ap. 359	863
v. Day, 4 Md. 262	1426	De Gondouin <i>v.</i> Lewis, 10 A. & E.	
v. State, 14 Tex. Ap. 26	1473	120	439
Daynes, R. <i>v.</i> 12 Cox C. C. 514	1035	De Hart, State <i>v.</i> 6 Bax. 222	1187, 1189
Dayton, State <i>v.</i> 3 Zabr. 49	1251, 1269,	Deitrick, State <i>v.</i> 51 Iowa, 467	1757
1273, 1277, 1288, 1296, 1304		Dejardin, Com. <i>v.</i> 126 Mass. 46	1432,
Deacon, Com. <i>v.</i> 8 S. & R. 48	428,	1604, 1606, 1609	
	433	Dejarnette <i>v.</i> Com., 75 Va. 867	34, 45
R. <i>v.</i> R. & M. (N. P.) 27	1093	Delamotte, R. <i>v.</i> 1 East P. C. 53	1805
Deakin, R. <i>v.</i> 2 East P. C. 653	938	v. State, 14 Tex. Ap.	
Deal, State <i>v.</i> 64 N. C. 270	884, 894,	599	914
	914	Delaney <i>v.</i> State, 7 Baxt. 28	1186
Dean, Com. <i>v.</i> 14 Gray, 99	1513	Delano, State <i>v.</i> 54 Me. 501	1531
Com. <i>v.</i> 109 Mass. 349	575, 1346	v. State, 66 Ind. 348	1748
Com. <i>v.</i> 110 Mass. 64	1226	Delany, Com. <i>v.</i> 1 Grant, 224	1344
State <i>v.</i> 44 Iowa, 648	1498 a	v. People, 10 Mich. 241	1730,
State <i>v.</i> 49 Iowa, 73	901, 903	1747	
v. Com., 3 S. & R. 418	1109	v. State, 41 Tex. 601	829
v. State, M. & Y. 127	1466	Delaval, R. <i>v.</i> 3 Burr. 1434	19, 1361
Deane <i>v.</i> Clayton, 7 Taunt. 489	464,	Del. Canal Co. <i>v.</i> Com., 60 Penn.	
	507	St. 367	1416, 1424, 1426, 1449, 1476
Dearborn, Com. <i>v.</i> 109 Mass. 368	1520	De Long, State <i>v.</i> 88 Ind. 312	1595,
State <i>v.</i> 54 Me. 442	542		1596
Dearing, State <i>v.</i> 65 Mo. 530		De Longchamps, Resp. <i>v.</i> 1 Dall.	
	50, 52, 54	111	282, 282 a
De Arman <i>v.</i> State, 71 Ala. 351	465,	Delovio <i>v.</i> Boit, 2 Gall. 420	1908, n.
	485, 486 a, 493		
Deasy, R. <i>v.</i> 15 Cox C. C. 364	1399	Delyon, State <i>v.</i> 1 Bay, 353	1126, 1130
Deaver, U. S. <i>v.</i> 4 Crim. Law Mag.		Demain, etc., Com. <i>v.</i> Brightly,	
209	1559, 1574	441; 6 Penn. L. J. 29	592,
			1364, 1389
Deaves, R. <i>v.</i> 11 Cox C. C. 227; 3		De Marentille <i>v.</i> Oliver, 1 Pen. (N.	
Ir. R. C. L. 30	902	J.) 380	609
De Banks, R. <i>v.</i> 50 L. T. (N. S.)		Demarest <i>v.</i> Haring, 6 Cow. 76	173
427; 15 Cox C. C. 450; 13 Q. B.		Dement <i>v.</i> State, 2 Head, 505	700
D. 29	1055	Deming, U. S. <i>v.</i> 4 McLean, 3	1288,
			1290, 1296
De Bare, U. S. <i>v.</i> 6 Biss. 358	990 c,	Dempsey <i>v.</i> People, 47 Ill. 323	238, 522
	997		
De Beauvoir, R. <i>v.</i> 7 C. & P. 17	1244,	Den <i>v.</i> Johnson, 3 Harr. (N. J.)	
	1247, 1248	87	1399
De Berenger, R. <i>v.</i> 3 M. & S. 67	1347,	Denham, R. <i>v.</i> 35 Up. Can. (Q.	
	1348, 1349, 1371, 1396	B.) 508	1523
De Bernie <i>v.</i> State, 19 Ala. 23	1244,	Denison <i>v.</i> Denison, 35 Md. 361	1686,
	1301		1697
De Bost <i>v.</i> Beresford, 2 Camp. 511	97 a	Denman <i>v.</i> State, 15 Neb. 138	159
De Bruhl, State <i>v.</i> 10 Rich. 23	1082	Denmour, R. <i>v.</i> 8 Cox C. C. 440	1066
Debruiel, R. <i>v.</i> 11 Cox C. C. 207	291,	Dennee, U. S. <i>v.</i> 3 Woods, 39	1331
		Dennett, State <i>v.</i> 19 La. An. 395	695
	930, 984	Dennie, Resp. <i>v.</i> 4 Yeates, 270	1611
Decklotts, State <i>v.</i> 19 Iowa, 447	117,		388, 480
		Dennin, State <i>v.</i> 32 Vt. 158	826, 829
Dee, R. <i>v.</i> 31 Alb. L. J. 43	561	v. People, 91 Ind. 291	1417

TABLE OF CASES.

SECTION	
Dennin v. State, 5 Pike, 230	221
Dennis, Com. v. 105 Mass. 162	175, 448
v. People, 27 Mich. 151	761,
v. Parker C. R.	767
469	716
Densley, R. v. 6 C. & P. 399	982, 983
Dent, R. v. 1 C. & K. 249	1212, 1220
R. v. Post. 108	762
State v. 3 Gill & J. 8	192, 644,
1343	
Denton, R. v. Dears. C. C. 3	1388, 1393,
1407	
D'Eon, R. v. 1 Blac. 510	1612 a
Depardo, R. v. 1 Taunt. 26; R. &	
R. 134	277
Depuke, R. v. 11 Mod. 273	1111
De Quifieldt, U. S. v. 11 Rep. 455;	
2 Cr. L. Mag. 214	77
De Rance, State v. 34 La. An. 186	61
Derby, R. v. 3 B. & Ad. 147	1473
Derecourt v. Corbishley, 5 E. & B.	
188	428
Desmartheau, Com. v. 16 Gray, 1	376
Desmond, Com. v. 103 Mass. 445	1528 a
Com. v. 122 Mass. 12	1836
R. v. Steph. Cr. L. Dig.	
art. 223	319
Des Roches, ex parte, 1 McAllis. 68	
268, 268 a	
Desvignes, R. v. Law Times, vol.	
70, p. 76	163
De Vaux, R. v. 2 Leach, 665; 2	
East P. C. 789, 839	981
Devaney, R. v. State, 47 Ind. 208	1505
Devers, State v. 38 Ark. 517	1499
Devett, R. v. 8 C. & P. 639	529, 536
Devine, People v. 59 Cal. 630	640;
People v. 20 Hun, 98	641 a
Devlin, Com. v. 126 Mass. 353	384
Devonshire, R. v. 2 N. & M. 212	93
Devore, Resp. v. 1 Yeates, 501	1093
Devoto v. Com., 3 Metc. (Ky.) 417	983
Dew v. Clark, 1 Addams Eccl. R.	
279	40
Dewer, State v. 65 N. C. 572	208, 245
Dewitt, Com. v. 10 Mass. 154,	928, 929
State v. 2 Hill (S. C.) 282	1348,
1380	
State v. 32 Mo. 571	936, 942
De Wolf, State v. 8 Conn. 93	566
Diana, The, 7 Wall. 354	95
Dias v. State, 7 Blackf. 20	532
Dibble, State v. 4 Jones (N. C.),	
107	1426, 1477
Dibdin v. Swan, 1 Esp. 28	1640
Dick v. State, 53 Miss. 384	835
v. State, 3 Ohio St. 88	543
Dicken, R. v. 14 Cox C. C. 8	598
698	

TABLE OF CASES.

SECTION	
Dixon, R. v. 36 Eng. L. & Eq. 597;	
Dears. C. C. 580; 7 Cox	
C. C. 35	902, 909
R. v. 2 Lew. C. C. 178	668
R. v. 3 M. & S. 11; 4	
Camp. 122 1118, 1120, 1434,	
1606	
R. v. 10 Mod. 335	76, 79, 81
R. v. 12 Mod. 198	93
State v. 75 N. C. 275	486 a
U. S. v. 4 Cranch, 107	1465
v. State, 4 Blackf. 312	1569
v. State, 15 Tex. Ap. 480	928
Doan v. State, 26 Ind. 495	218, 816,
	1455
Doane, Com. v. 1 Cush. 5	884
Dobbin's Distillery v. U. S., 96 U.	
S. 395	15
Dobbs, R. v. 2 East P. C. 513	821
Dobkins v. State, 2 Humph. 424	177
Dobson v. State, 57 Ind. 69	1518
Dock v. Com., 21 Grat. 909	476, 485,
	486 a, 487
Dodd, R. v. 18 L. T. N. S. 89	186, 656,
667, 683, 684, 693, 714	
R. v. 2 Sessions Cases, 33	247
State v. 3 Murph. 226 1244, 1304	
v. State, 18 Ind. 56	85 a
Doddridge, R. v. 8 Cox C. C. 335	119
Dodge, U. S. v. Deady, 186 88, 1506 a,	
1520	
v. Brittain, Meigs (Tenn.),	
84	149
v. State, 4 Zabr. 455 1287, 1301,	
1306, 1316, 1319	
Dodson, R. v. 9 Ad. & El. 704	1082 c
State v. 16 S. C. 453	839
Doe, Com. v. 108 Mass. 418	1520, 1528 a
People v. 1 Mich. 451	484
State v. 79 Ind. 9	872
v. Clark, 2 H. Bl. 399; 2 Ves.	
Jr. 673	592
Doebler, U. S. v. 1 Bald. 519	715, 730
Doehring v. State, 46 Ind. 56	645 d
Doepke, State v. 68 Mo. 208	863
Doherty, Com. v. 127 Mass. 20	1027,
1043	
State v. 25 La. An. 119	1063
State v. 60 Me. 501	31
State v. 2 Tenn. 80	68, 69
Dohme v. State, 68 Ga. 339	1446, 1467
Dohring, People v. 59 N. Y. 374	567
Doig, U. S. v. 4 Fed. Rep. 193	292, 352
Dolan, Com. v. 121 Mass. 374	1528 a
People v. 9 Cal. 576	393
R. v. 29 Eng. L. & Eq. 533;	
Deara. 436; 6 Cox C. C.	
449	990 a
State v. 41 Ark. 454	486 a
Dole, State v. 3 Blackf. 294	1466

TABLE OF CASES.

SECTION	SECTION
Dougherty, Comm. of Excise v. 55 Barb. 332 1504	Drake v. State, Neb. 1883, 18 Rep. 790 414
People v. 4 Scam. 179 1545	v. State, 14 Neb. 535 1452
v. Com. 14 R. Mon. 239 1500	Draper, State v. 1 Houst. C. C. 531 455 State v. 65 Mo. 335 532
v. People, 1 Col. 517 597	v. State, 4 Baxt. 246 488
Douglas, R. v. 1 Mood. C. C. 462, 480 600, 1135, 1213	Drennan, Territory v. 1 Montana, 41 102, 461, 467, 624 v. People, 10 Mich. 169 414, 426
Douglass, Com. v. 5 Met. 241 1329	Dresch v. State, 14 Tex. Ap. 175 914, 915
R. v. 7 C. & P. 644 662	Drew, Com. v. 3 Cush. 279 94a, 1462, 1504
State v. 7 Iowa, 413 1836, 1837	Com. v. 4 Mass. 391 413, 414, 462, 493, 500, 501, 502, 505
State v. 34 La. An. 623 207, 211 a, 218	Com. v. 19 Pick. 179 1135, 1139, 1147, 1173, 1175
v. Com. 8 Watts, 535 600, 601	U. S. v. 5 Mason, 28 48, 50
v. State, 8 Tex. Ap. 520 388	Dring, R. v. 7 Cox C. C. 382; D. & B. 329 88, 990, 992
v. State, 4 Wis. 387 1415, 1417, 1434, 1480	Driscoll, R. v. C. & M. 214 100, 102 U. S. v. 1 Low. Dec. 303 1827
v. State 6 Yerg. 525 1095, 1539, 1540	Druitt, R. v. 10 Cox C. C. 592 1366
Dove, Com. v. 2 Va. Cas. 26 45, 1510 v. State, 37 Ark. 261 885	Drum, Com. v. 58 Penn. St. 9 115, 117, 304, 319, 377, 380, 392, 484, 485, 487, 493
v. State, 3 Heisk. 348 34, 61, 1780	Com. v. 19 Pick. 479 544, 575, 1346
Dover, State v. 10 N. H. 394 93	Drye v. State 14 Tex. Ap. 185 525
Dovers, State v. 45 N. H. 543 1446	Dubose v. State, 13 Tex. Ap. 418 543
Dovey, R. v. 4 Cox C. C. 428 989	Du Bost v. Beresford, 2 Camp. 511 101
Dow's Case, 18 Penn. St. 37 280	Ducher v. State, 18 Ohio, 308 765, 800
Dow, State v. 21 Vt. 484 1503, 1504	Ducker, State v. 8 Or. 394 956, 963
Dowd, State v. 19 Conn. 388 384, 385, 542, 543	Dudley, Com. v. 6 Leigh, 613 215, 238 Com. v. 10 Mass. 403 1083, 1085, 1086, 1094
Dowdican, Com. v. 116 Mass. 257 1498 a	R. v. Lond. 1884 511
Dowers, State v. 45 N. H. 543 1446	R. v. 2 Sid. 71 683
Dowey, R. v. 11 Cox C. C. 115 1162, 1212	Bank Co. v. Spittle, I John. & H. 14 315
Dowlan v. State, 14 Tex. Ap. 61 632	v. Saubine, 49 Iowa, 650 88
Dowlin, R. v. 5 T. R. 311 1304	Duebbe v. State, 1 Tex. Ap. 159 380
Dowling, People v. 84 N. Y. 478 291, 987	Duell, People v. 3 Johns. 449 1677
v. State, 13 Miss. 664 31	U. S. v. 5 Cranch C. C. 391 1082 d
Downer, State v. 8 Vt. 424 649, 652	Duff, U. S. v. 19 Blatch. 9 1490
State v. 21 Wis. 274 1516	Duffy's Case, 1 Lew. C. C. 194 214
Downes, Com. v. 24 Pick. 227 267 R. v. L. R. 1 Q. B. D. 25; 13 Cox C. C. 111 330, 336	Dunfield, R. v. 5 Cox C. C. 404 1366
Downey, R. v. 7 Q. B. 281 425	Duffin, People v. 107 Ill. 113 729, 1656
v. State, 20 Ind. 82 1513	Dufour, State v. 63 Ind. 567 693
Downham, State v. 1 Houst. 45 487	Dugan, Com. v. 12 Met. 233 648, 652 State v. 1 Houst. C. C. 563 317, 502, 506
Downing, Com. v. 4 Gray, 29 149, 1529	Dugdale v. R., 1 E. & B. 435; D. & B. 64 180, 720, 1608
v. Merrick, 47 Me. 462 1571	Duhhamel, State v. 2 Harring. 532 1553, 1560
Doxtater, State v. 47 Wis. 278 282 a	Duke v. Asbee, 11 Ired. L. 112 1848
Doyell, People v. 48 Cal. 85 377	Dukes, State v. 42 Tex. 455 1557
Doyer v. State, 12 Tex. Ap. 535 519	
Drage, R. v. 14 Cox C. C. 85 983	
Drake, State v. 1 Vroom, 422 597	
v. Lowell, 13 Metc. 292 31 b	
700	

TABLE OF CASES.

SECTION	SECTION
Dukes v. State, 11 Ind. 567	519
Dumas v. State, 63 Ga. 600	393, 516
v. State, 14 Tex. Ap. 465	1696, 1708, 1709
Duncan, State v. 6 Ired. 236	237, 244
v. Com., 6 Dana, 295	636, 1551
v. State, 7 Humph. 148	88
v. State, 49 Miss. 331	1070,
	1082 d
Dungey, R. v. 4 F. & F. 99	576, 641 a
Dunham v. State, 9 Tex. Ap. 230	819
Dunkley, R. v. 1 Mood. C. C. 90	1666
Dunlap, State v. 24 Me. 77	1176, 1218
Dunman v. State, 1 Tex. Ap. 593	616
Dunn, Com. v. 111 Mass. 425	1498 a, 1520
People v. 4 Col. 126	695
R. v. 1 D. & R. 10; 1 C. & K. 730; 2 Mood. C. C. 297	1296, 1304, 1314
R. v. 1 D. & Ry. 10	1257
R. v. 1 Leach, 57	659, 678
R. v. 1 Mood. C. C. 146	983
State v. 26 Ark. 34	1748
State v. 53 Iowa, 526	1757
State v. 18 Mo. 419	380
State v. 1 Rice's Dig. 49	648
v. People, 27 Hun, 139	1493, 1495
v. People, 40 Ill. 465	1490, 1491, 1497
v. People, 29 N. Y. 523	593
Dunnaway v. State, 9 Yerg. 350	1456, 1498 a
Dunnnett, R. v. 2 East P. C. 985	727
R. v. 1 C. & K. 425	96, 1886
Dunning v. Brown, 3 Col. 511	696
Dunston, R. v. R. & M. 109	1282
Dupont, State v. 2 McCord, 334	1778
Dupuy, Com. v. Brightly R. 4; 4 Clark, 1	20, 1376, 1431, 1556, 1854
Durant v. People, 13 Mich. 351	982, 985
Durgin v. Ireland, 14 N. Y. 322	1864
Durham, State v. 62 Ga. 558	576
State v. 70 Ga. 264	317
State v. 72 N. C. 447	641
Durkee, U. S. v. 1 McAllis. 196	858, 889, 895, 899
R. v. 8 C. & P. 417	580
R. v. 2 Stark. Slan. 142	1605
State v. 3 Herring. 554	810, 818
State v. 75 Mo. 586	392, 488, 517, 537
Eberle, Com. v. 3 S. & R. 9	1348, 1353
Ebner, People v. 23 Cal. 158	590
Eccles, R. v. 1 Leach, 274	1349, 1362
Eckels v. State, 20 Ohio St. 508	887, 907, 923, 926
Eckert, Com. v. 2 Browne, 249	15 a, 18, 1067
Eckhardt v. People, 83 N. Y. 462;	596
22 Hun, 525	
Eddy, Com. v. 7 Gray, 588	60, 61
Dye v. Com., 7 Grat. 662	85 a
Edgar v. State, 37 Ark. 219	1512 a
	701

TABLE OF CASES.

SECTION	
Edge v. Com., 7 Barr, 275	91, 1570, 1843
State v. 1 Strob.	591
Edgell, R. v. 11 Cox C. C.	132
Edgerly, Com. v. 10 Allen,	184
Edgerton v. State, 67 Ind.	1431 a, 1431 c
Edmond's App., 57 Penn. St.	232
Edmonds v. State, 70 Ala.	8
v. State, 34 Ark.	720
Edmondson v. State, 41 Tex.	496
	530, 537
Edmunds, R. v. 1 W. & S. Med. J.	
§ 167	35, 46, 65
Edwards, Com. v. 1 Ashm.	46
Com. v. 12 Cush.	187
Com. v. 4 Gray,	1
People v. 59 Cal.	359, 799
R. v. 6 C. & P.	401
R. v. 6 C. & P.	515
R. v. 6 C. & P.	521
R. v. 8 C. & P.	611
R. v. 36 L. T. (N. S.)	30;
13 Cox C. C.	384
R. v. 1 M. & Rob.	257
R. v. 8 Mod.	320
R. v. R. & R.	497
R. v. 3 Russ. Cr.	1
State v. 32 Mo.	548
State v. 60 Mo.	490
State v. 67 Mo.	488
State v. 71 Mo.	324
v. State, 49 Ala.	334
v. State, 25 Ark.	444
	517, 519
v. State, 27 Ark.	493
v. State, 62 Ind.	34
v. State, 47 Miss.	581
	487
v. State, 70 Mo.	480
v. State, 71 Mo.	312
v. State, 10 Tex. Ap.	25
	1729, 1748
Egan, State v. 10 La. An.	698
Egerton, R. v. R. & R.	375
Eggington, R. v. 2 Leach,	913; 2
East P. C. 494; 2 Bos. & P.	508
766, 770, 783, 917	
Egglesht, State v. 41 Iowa,	574
Eggleston, Com. v. 128 Mass.	408
	292 a, 1503, 1504, 1532
Egler v. State, 71 Ind.	49
Eichar, Com. v. 4 Clark (Pa.),	326
	1760
Eighmy v. People, 79 N. Y.	546
	1293, 1318
Eiland v. State, 52 Ala.	322
	484, 485,
	488
Eitel v. State, 33 Ind.	201
Elan v. State, 26 Ala.	48
Elborn, State v. 27 Md.	483
Elder, Penn. v. 1 Smith's Laws	
(Pa.), 3	
State v. 21 La. An.	157
	830, 841
U. S. v. 4 Cranch C. C.	507
	1425, 1449
Eldershaw, R. v. 3 C. & P.	396
	69, 184,
	551
Eldred, <i>in re</i> , 46 Wis.	530
Elick, State v. 7 Jones (N. C.),	68
	184, 187, 577
Elkin v. People, 28 N. Y.	177
	1344,
	1376, 1381
Elkins v. State, 2 Humph.	543
	1415,
	1475
Ellar, State v. 1 Dev.	267
	19, 1432
Ellars v. State, 25 Ohio St.	385
	1195
Elliot, Com. v. 4 Law Rep.	329
	68
State v. 11 N. H.	540
	100, 102,
	621, 1100
Elliotson v. Feetham, 2 Bing.	N. C.
	134
	1415
Elliott, R. v. 2 East P. C.	960
	700
R. v. L. & C.	103
	1472
R. v. 1 Leach,	175
	695
v. Com., 12 Bush,	176
	964
v. Magendie, 2 B. & S.	523
	1412, 1441
v. State, 26 Ala.	78
	1524
v. State, 46 Ga.	159
	640
Ellis, R. v. 2 C. & K.	470
	518, 638
R. v. 1 F. & F.	309
	1708
R. v. Holt,	636
	1545
State v. 3 Conn.	185
	291, 930
State v. 74 Mo.	207,
	385
	576, 1752
State v. 33 N. J. L.	102
	1848,
	1857, 1858
v. State, 7 Blackf.	534
	1413,
	1415, 1440
Ellison, State v. 58 N. H.	325
	934,
	978
Elmesley's Case, 2 Lew. C. C.	126
	1082 d
Blimstead, R. v. 2 Russ. Cr.	86
Elisbury v. State, 41 Tex.	158
Elischlep v. State, 11 Tex. Ap.	301
	573
Elsee, R. v. R. & R.	142
	219
v. Smith, 1 D. & R.	97
	439
Elamore v. St. Braivells, 2 Man.	&
R. 514; 8 B. & C.	461
	784
Eisworth, R. v. Bayley on Bills,	
430; 2 East P. C.	986
	677
Elwell, Com. v. 2 Met.	190
	84, 85 a,
	88, 1720, 1726, 1730, 1731
Ely v. Niagara Co., 36 N. Y.	297
	1426

TABLE OF CASES.

SECTION	
Ely v. Peck, 7 Conn.	240
v. Supervisors, 36 N. Y.	287
	1426
Embry v. Com., 79 Ky.	439
	1666
Emeigh, State v. 18 Iowa,	122
	566
Emerick, State v. 35 Ark.	324
	1512 a
State v. 13 Mo. Ap.	493
	390, 592
Emerson, State v. 35 Ark.	324
	1499
	1512 b
State v. 48 Iowa,	172
	985
U. S. v. 6 McLean,	406
	1828 a
Emery, State v. 78 Mo.	77
	133, 344
v. Richards, 14 M. & W.	728
	1465 a
Emmons, Com. v. 98 Mass.	6
	84, 85 a,
88, 1463, 1465 d,	1476, 1507, 1512 a
Emoulons, The, 1 Gallis,	563
	283
Enders v. People, 20 Mich.	233
	1215
England, R. v. 2 Leach,	767
	1777
State v. 8 Jones (N. C.),	399
	912
Engle v. State, 97 Ind.	122
	1512 a
English, People v. 30 Cal.	214
	644
R. v. 12 Cox C. C.	171
	1176, 1186, 1218
Ennis v. State, 3 Greene (Is.),	67
	965
Enoch, R. v. 5 C. & P.	539
	445
Kno's Case, 30 Alb. L. J.	144
	653, 667
Enslow, State v. 10 Iowa,	115
	1070,
	1082 d
Epperson, State v. 6 Jones (27 Mo.),	
255	606, 645 d
Epps, R. v. 4 F. & F.	81
	657, 663, 670
Krb, State v. 74 Mo.	190
	35, 388
Krickson, State v. 45 Wis.	86
	550, 572
Erie & N. E. R. R. Com. v.	27
Penn. St.	339
	1424, 1426, 1476
Erkirkton, State v. 3 Vroom,	32 N.
J. L. 421	1669
R. v. 2 Lew. C. C.	217
	344, 373 a
Erskine, Com. v. 8 Grat.	635
	836
Erwin, People v. 4 Denio,	129
	1459
v. State, 29 Ohio St.	186
	304,
	456
v. State, 10 Tex. Ap.	700
	48
Esdaile, R. v. 1 F. & F.	213
	1374,
	1321, 1383, 1386, 1399
Eskridge v. State, 25 Ala.	30
	581
v. State, 1 Swan,	413
	1431 c
Eslava v. State, 49 Ala.	358
	1557
Esop, R. v. 7 C. P.	456
	84
Essex, R. v. 2 East P. C.	1125
	1666
R. v. D. & B. 371; 7 Cox	
C. C.	384
	965, 1062 a
Estes, State v. 46 Me.	150
	1154, 1187
v. Carter, 10 Iowa,	400
	15, 580
v. State, 55 Ga.	30
	50, 52
v. State, 2 Humph.	496
	1465
Estrada, People v. 53 Cal.	600
	574

F.

Faber, People v. 92 N. Y.	146	1695
Fadner, People v. 10 Abb. (N. Y.)	462	695

TABLE OF CASES.

SECTION		SECTION	
Fadner, S. C. 40 Hun, 240	683, 695	Farrer v. State, 2 Ohio St. 54	46
Fagan v. Armstead, 11 Ired. 433	1426	Farrier, State v. 1 Hawks, 487	179,
Fahnstock v. State, 23 Ind. 231	115,	1771, 1773, 1774, 1775	
117, 380, 393, 543		Farrington, R. v. R. & R. 209	831
Fahrbach v. State, 24 Ind. 77	1507,	Farris v. Com., 14 Bush, 362	493
	1512 a	Farrow, R. v. D. & B. C. C. 164;	
Fairchild, People v. 48 Mich. 31	827,	40 Eng. L. & Eq. 550	592
833, 837		State v. Phil. (N. C.) 161	901
Fairclough, State v. 29 Conn. 47	967	State v. 10 Rich. 165	1287
Fairlee v. People, 11 Ill. 1	167, 524	Fassett, State v. 16 Conn. 457	1257,
Fairlie, R. v. 9 Cox C. C. 209	1282	1261	
Fairman v. Ives, 1 D. & R. 252	1634	Faulkner, R. v. 11 Irish L. T. 13;	
Faith v. State, 32 Tex. 373	1221	13 Cox C. C. 550	120, 829
Falkenheimer, U. S. v. 21 Fed.		Faulks v. People, 39 Mich. 200	88,
Rep. 624	1827		1512 a
Falkingham, R. v. L. R. 1 C. C.	222	Fauance v. People, 51 Ill. 311	990
	1567	Fawcett, R. v. 2 East P. C. 862	683,
Fallon, R. v. L. & C. 217	241		1117
R. v. 9 Cox C. C. 242	208,	Fay v. Com., 28 Grat. 912	1176, 1184
238, 245, 522		v. Prentice, 1 C. B. 828	1474
Fallows, R. v. 5 C. & P. 508	847	v. Whitman, 100 Mass. 76	1412
Falls Co., State v. 49 N. H. 240	1415	Fearson, State v. 2 Md. 310	28
Fann, State v. 65 N. C. 317	1027	Feasal v. State, 74 Mo. 524	1765
Fanning, R. v. 17 Ir. C. L. 289;		Featherston, Com. v. 9 Phila. 594	
10 Cox C. C. 411	1682,		1632 a
	1689	Featherstone, R. v. 26 Eng. L. &	
State v. 38 Mo. 359	1499	Eq. 570; 6 Cox C. C. 376; Dears.	
v. State, 66 Ga. 167	854	369	919
Fanny, The, 9 Wheat. 658	1908, n.	Fee, State v. 19 Wis. 562	644
Far's Case, Kel. 43; 2 East P. C.		Feeley, Com. v. 1 Va. Cas. 321	266,
504	800		1333
Farbach v. State, 24 Ind. 77	87, 88	Feeney, Com. v. 13 Allen, 560	78
Faris, Com. v. 5 Rand. (Va.) 891	1427	Feilen, People v. 58 Cal. 218	1704,
Farkin, Com. v. 3 Penn. L. J. 480			1706
	34, 35	Feist, R. v. D. & B. 590; 8 Cox	
Farley, State v. 4 McC. 317	1595	C. C. 18	1432 a
Farmer, State v. 4 Ired. 224	574	Feitl v. R. R., 109 Mass. 398	1431 c
v. People, 77 Ill. 322	88,	Felch, State v. 58 N. H. 1	22
1507, 1512 a		Feldman v. Morrison, 1 Bradw. 460	
Farnham, R. v. 1 Cox C. C. 349,	600		1505
U. S. v. 2 Blatch. 528	352	Felix v. State, 18 Ala. 720	456, 468
Farnum v. U. S., 1 Col. 309	1827	Fell, Com. v. 11 Haz. Pa. Reg. 179	632
Farr, R. v. Kel. 43	976	v. Knight, 8 M. & W. 269	1587
State v. 33 Iowa, 553	211, 211 a	v. State, 42 Md. 71	1530
Farrand, Com. v. 12 Gray, 177,	1498 a	Fellows, State v. 2 Hayw. 340	1106
in re, 1 Abbott U. S. 140		State v. 50 Wia. 65	1720
267, 268, 268 a		Felter, State v. 25 Iowa, 67	44, 65
State v. 3 Halst. 336	728	State v. 32 Iowa, 49,	61
Farrar, State v. 41 N. H. 53	146, 590	v. State, 9 Yerg. 397	964
Farrell, Com. v. 5 Allen, 130	1474,	Felton, Com. v. 101 Mass. 204	266,
	1667		1041
People v. 30 Cal. 316	715	v. U. S., 96 U. S. 699, 702	
R. v. 9 Cox C. C. 446	1469,	246, 247, 378	
	1472	Fenn, State v. 41 Conn. 590	883, 914,
R. v. 1 Leach, 362	849		951, 955, 990 a
v. People, 16 Ill. 506	884 a, 894	Fenner, R. v. 1 Siderfin, 416	75, 79
v. State, 3 Ind. 573	1524	v. State, 3 R. I. 107	1528 a
v. State, 45 Ind. 371	1516	Fenno, Com. v. 125 Mass. 387	648 a
v. State, 32 Ohio St. 456	88	Fenton's Case, 1 Lew. 179	369, 373,
Farren, Com. v. 9 Allen, 489	88, 1476		273 a

TABLE OF CASES.

SECTION		SECTION	
Ferens v. O'Brien, L. R. 11 Q. B.		Finn, People v. 87 N. Y. 533	862 a
D. 21; 15 Cox C. C. 332	863	Finnegan, Com. v. 109 Mass. 363	
Fergus v. Hoard, 15 Ill. 357	1281	Com. v. 124 Mass. 324	88,
Ferguson, R. v. 1 Lew. C. C. 181	366	1498 a, 1507, 1512 a	
		Finnerty v. Tipper, 2 Camp. 72	1651
R. v. 2 Stark. (N. P.)		Finney v. State, 3 Head, 544	1685,
489	287, 1366, 1397		1709
State v. 2 Hill (S. C.)	619	Firby v. State, 3 Bax. 358	303
	440, 476, 477	Firth, R. v. 11 Cox C. C. 234; L.	
		R. 1 C. C. 172	863, 924, 928, 931
State v. 35 La. An. 1042		Fishblatt, Com. v. 4 Met. 394	641 a
		Fish, State v. 3 Dutch. 323	803, 805,
R. v. 2 McMull. 502	901, 903, 909		837, 841
		Fisher, People v. 51 Cal. 319	825
State v. 72 Mo. 297	1500	People v. 4 Wend. 9	1366
		R. v. 8 C. & P. 182	459, 460,
			480
R. v. 2 Camp. 563		R. v. 2 Camp, 563	1639
R. v. 10 Cox C. C. 146	1082 a	R. v. 10 Cox C. C. 146	
		State v. 64 Ind. 435	48
		State v. 68 Mo. 258	735
		State v. 70 N. C. 78	883, 914
		U. S. v. 2 Cranch, 358, 398	252
		v. Browne, 2 B. & S. 770	1474
		v. Com., 1 Bush, 211	981
		v. McGirr, 1 Gray, 1	1530
		v. People, 23 Ill. 283	61
		v. State, 43 Ala. 17	775, 783
		v. State, 46 Ala. 717	819
		v. State, 10 Ida. 15	155
		v. State, 40 N. J. L. 169	979
Fisk v. Un. Pac. R. R., 10 Blatch.	518	Fisk v. Un. Pac. R. R., 10 Blatch.	268
			682
Fisler, U. S. v. 4 Biss. 59		Fission v. Hutchinson, 15 L. T.	
		(N. S.) 390	31 b
Fitch, Com. v. 4 Dall. 212		Fitch, Com. v. 4 Dall. 212	1108
People v. 1 Wend. 198	661, 662	People v. 1 Wend. 198	
R. v. 9 Cox C. C. 160	685	R. v. D. & B. 187	919
R. v. D. & B. 187		v. Remp., 3 Yeates, 49	1108
		Fitchburg R. R., Com. v. 126 Mass.	
472		472	337, 349
Fitzgerald, R. v. 1 Leach, 20		State v. 75 Mo. 571	695
		v. Cavin, 110 Mass. 153	636
		v. People, 37 N. Y. 413	393
		v. State, 49 Iowa, 260	
			185, 596
Fitzpatrick, State v. 4 R. I. 269		Fitzpatrick, State v. 4 R. I. 269	1838
		v. Kelly, L. R. 8 Q. B.	
		337	88
		v. State, 37 Ark. 373	1525
		v. State, 39 Ark. 238	477
Flagg, Com. v. 135 Mass. 545			
State v. 25 Ind. 243			
State v. 27 Ind. 24			
Flahave, People v. 58 Cal. 249			

TABLE OF CASES.

	SECTION
Flaherty, R. v. 2 C. & K. 782	1696,
	1700
Flake v. State, 19 Ala. 552	1466
Flanagan, People v. 60 Cal. 21	484
v. People, 52 N. Y. 467	34, 45, 46, 61
Flanders, People v. 18 Johns. 164	713
State v. 38 N. H. 324	671,
	674
Flanigan v. People, 86 N. Y. 554	48
Flannagan, Com. v. 7 W. & S. 415	393
R. v., R. & R. 187	791,
v. People, 52 N. Y. 467	45
Flannigan, State v. 6 Md. 167	394,
	541, 542
Flatman, R. v. 14 Cox C. C. 396	919
Flattery, R. v. 13 Cox C. C. 388;	
2 Q. B. Div. 410	141, 559, 561,
	563, 577, 612, 636
Flavel's Case, Whart. Cr. Law, 7th	
ed. § 1027	489
Fleet, R. v. 1 B. & Al. 379	1639
v. Hegerman, 14 Wend. 42	873
Fleetwood v. Com., 80 Ky. 380	413,
	414, 419
Fleming, Com. v. Lewis Cr. L. 533	1473
U. S. v. 18 Fed. Rep. 907	1831 a
v. People, 3 Parker C. R.	
362; 27 N. Y. 329	1708,
	1713
v. State, 11 Ind. 234	827
Fletcher, R. v. Bell C. C. 63; 8 Cox	
C. C. 131	556, 558, 560
R. v. L. & C. 180; 9 Cox.	
C. C. 189	1052
R. v. L. R. 1 C. C. 39	560
R. v. L. R. 1 C. C. 320	1272
R. v. 1 Russ. on Cr. 507	
	155 a
State v. 5 N. H. 257	24, 25
U. S. v. 22 Fed. Rep. 776	1848 a
v. Braddyll, 3 Stark (N. P.) 64	1621
v. Peck, 6 C ranch, 167	30
v. People, 52 Ill. 395	591,
	631
v. Rylands, L. R. 1 Bx.	
265	1433
v. State, 10 Lea, 338	783
Fletcher, Town of, State v. 13 Vt.	
124	93
Fley, State v. 2 Brev. 338	221, 222,
	522
Flight v. Thomas, 10 A. & E. 690	1415
Flint, State v. 62 Mo. 393	1063
v. People, 35 Mich. 491	1288
	706
Flint v. Pike, 6 D. & B. 528; 4 B.	
& C. 473	1637
Flinton, R. v. 1 B. & Ad. 227	1663
Flitcraft v. Jenks, 3 Whart. 158	1636
Florez v. State, 1 Tex. Ap. 102	1858
Flower v. Shaw, 2 C. & K. 703	672
v. State, 39 Ark. 209	1560
Floyd, State v. 5 Stroh. 58	677
v. State, 30 Ala. 511	1277
v. State, 36 Ga. 91	484
Flye, State v. 26 Me. 312	731, 735
Flynn, Com. v. 3 Cush. 525	192,
	844, 1304
v. State, 8 Tex. Ap. 368	640,
	644
v. State, 42 Tex. 301	923
Fockler, State v. 22 Kan. 542	815
Foebring, Com. v. Brightly, 315	1349
Fogarty, Com. v. 8 Gray, 489	550,
	573, 574
Fogg v. State, 9 Yerg. 392	737
Foley, Com. v. 99 Mass. 497	1442,
	1443
State v. 45 N. H. 466	1430,
	1451, 1452
Folke's Case, 1 Mood. C. C. 354	569
Follett, State v. 6 N. H. 53	1493
Foltz v. State, 33 Ind. 215	1431
Fontaine v. State, 6 Baxt. 514	1494
Fooks, State v. 3 Mont. 158	393
Foote R. v. 48 L. T. (N. S.) 733	20,
v. People, 17 Hun, 218	1162
	1605, 1627
Foran, Com. v. 110 Mass. 423	1528 a
Forbes, People v. 4 Park. C. C. 611	
	441
R. v. 7 C. & P. 224	87, 148,
	668, 669, 718
R. v. 10 Cox C. C. 362	87
R. v. 1 Craw. & D. 157	1556
U. S. v. Crabbe, 558	48,
	50, 1878
Ford's Case, Kel. 51	505
Ford, Com. v. 5 Gray, 475	102,
	638, 638
R. v. R. & R. 329	414,
	425, 430
State v. 30 La. An. 311	820
v. Skinner, 4 C. & P. 239	613,
	635
v. State, 71 Ala. 385	49, 61
v. State, 34 Ark. 649	543
v. State, 12 Md. 514	543
v. Surget, 97 U. S. 591	94,
	1572 d
Fore, State v. 1 Ired. 378	1715,
	1726, 1727
Foreman, State v. 8 Yerg. 256	282 a
v. Hunter, 59 Iowa, 550	1513
Forrester v. State, 63 Ga. 649	1503

TABLE OF CASES.

	SECTION
Forsgate, R. v. 1 Leach, 463	947
Forshner, State v. 43 N. H. 89	568
Forster, R. v. Dears, 456; 6 Cox C.	
C. 521	715
R. v. 1 Lew. C. C. 187	412,
	489
Forsyth, R. v. R. & R. 274	952
v. State, 6 Ohio, 19,	121,
	770, 810, 815
Forsythe, U. S. v. 6 McL. 584	1063
Fort v. Edwards, 3 Blatch. 310	288
Fortenberry v. State, 51 Miss. 403	
	487, 488, 493, 1063
Fort Plain Bridge v. Smith, 30 N.	
Y. 44	1426
Fortune, Com. v. 105 Mass. 592	198,
	221
Forward v. State, 49 Md. 531	1514 a
Foster's Case, 11 Co. Rep. 107	80
Foster, Com. v. 107 Mass. 221	1011,
	1038, 1052
Com. v. 114 Mass. 311	657,
	669, 670
R. v. 13 Cox C. C. 393	1157
R. v. R. & R. 459	1269
State v. 36 Ark. 258	1505
State v. 3 Post. 244	1503
State v. 37 Iowa, 404	1022,
	1055
State v. 21 W. Va. 767	1748
v. Com., 12 Bush. 373	601
v. Com., 8 W. & S. 71	31 b
v. People, 49 How. Pr. 69	813
v. People, 50 N. Y. 598	581,
	583
Foulkes, R. v. 13 Cox C. C. 63	1018
Foulks, State v. 57 Mo. 461	1270
Fouts, v. State, 8 Ohio St. 98	543
Fowler, Com. v. 10 Mass. 290	1570,
	1572 d, 1589
R. v. 1 East. P. C. 461	1358,
	1362
State v. 52 Iowa, 103	68, 628
v. Hollins, L. R. 7 Q. B.	
616	...
v. Sanders, Cro. Jac. 446	1415
v. State, 5 Day, 81	1472
Fox, Com. v. 7 Gray, 585	159,
	160, 163
Com. v. 7 Penn. St. 336	267
People v. 25 Mich. 492	1269
State v. 1 Dutch. 566	519
State v. 1 Harr. (N. J.) 152	1505,
	1513
U. S. v. 95 U. S. 670	1241
v. Ohio, 6 How. 410	266
Poxby, R. v. 6 Mod. 178	75, 1442
Foy, State v. 82 N. C. 679	864
Fuye, U. S. v. 1 Curtis C. C. 364	149,
	716, 917, 1828, 1829
Fraher, Com. v. 126 Mass. 56	1520,
	1528 a
Fralich, People v. Hill & D. 63	762
Frame, State v. 4 Harring. 569	938
Frampton, R. v. 2 C. & K. 47;	D.
& B. 585	962 b, 996, 1064
France v. State, 6 Baxt. 478	1493
v. State, 76 Mo. 681	459
Francia, R. v. 6 St. Tr. 58	1806
Francois, People v. 38 Cal. 183	63
R. v. L. R. 2 C. C. 128;	
12 Cox C. C. 612	1229
R. v. R. & R. 209	659, 660
R. v. 2 Stra. 1015	847
v. Schoellkopf, 53 N. Y.	
152	31 b, 1417
v. State, 7 Tex. Ap. 501	237
Francisco v. State, 4 Zabr. 30	591,
	641 a
Franco v. State, 42 Tex. 276	775, 811
Frances, ex parte, 3 Woods, 367	1754
v. State, 9 Tex. Ap. 144	
	1754
Franconia, The, 36 L. T. (N. S.)	
640; L. R. Adm. Div. 163; 46	
L. J. Adm. Div. 71; 25 W. R.	
796	269
Frank, People v. 28 Cal. 507	697, 715
v. State, 27 Ala. 38	399 a, 478
v. State, 39 Miss. 705	767, 813
Franklin, R. v. 4 F. & F. 94	1170,
	1232
R. v. 9 St. Tr. 276	1611
State v. 3 Johns. Cas.	
399	731
State v. 36 Tex. 155	644,
	645 d
v. State, 86 Ind. 90	1083
v. State, 12 Md. 236	1499
Franks, R. v. 2 Leach, 644	
	706,
	708, 752
Franz, Com. v. 8 Phila. 612	967
R. v. 2 F. & F. 580	214
Fraser, R. v. 1 Moody, 407	1685
R. v. R. & M. C. C. 419	418,
	428
v. People, 54 Barb. 306	593
Frasher v. State, 3 Tex. Ap. 263	1754
Fraunburg, State v. 40 Iowa, 555	628
Frazer v. Mackinnon, L. R. 4 C. P.	
704	671
Frazier v. State, 39 Tex. 390	580
Frederich v. Com., 4 B. Monr. 7	1450,
	1466
Fredericks, Com. v. 119 Mass. 199	
	1530
Freel, People v. 48 Cal. 436	304
Freeland, People v. 6 Cal. 96	455
Freeman, People v. 1 Idaho (N. S.),	
322	865

TABLE OF CASES.

SECTION		SECTION
Freeman, R. v. 5 C. & P. 534	1012,	Fuller, Com. v. 132 Mass. 563
	1013, 1033	1348, 1349, 1382
R. v. 1 Russ. Cr. 518	458	Com. v. 8 Met. 313
State v. 6 Blackf. 248	1512 a	266, 748, 1041
State v. 27 Iowa, 262	1528 a	People v. 2 Parker C. R. 16
State v. 15 Vt. 723	1287, 1290, 1293	344
U. S. v. 4 Mason, 505	156, 164, 343, 374, 613, 1872	R. v. 1 B. & P. 180
v. People, 4 Denio, 9	34, 35, 44, 46, 58	193
v. State, 70 Ga. 736	477	R. v. R. & R. 408
v. State, 6 Porter, 372	1473	149, 715, 856, 1608
Freeport, State v. 43 Me. 198	1477	State v. 33 N. H. 259
Freeth, Com. v. 5 Clark (Pa.), 455	44	1499
R. v. E. & R. 127	1162	State v. 31 Tex. 588
Freleigh v. State, 8 Mo. 606	1492	1466
French, People v. 3 Park. C. R. 114	1503	v. Colby, 3 Wood. & M. 13
R. v. L. E. 1 C. C. 217	652	1872
R. v. B. & R. 491	800, 940	v. People, 92 Ill. 182
U. S. v. 1 Gallis. 1	268	1609
Frere v. Peacocke, 1 Robertson, 442	40	v. State, 48 Ala. 273
Fretth, Com. v. 3 Phila. 105	40	785
Fretwell, R. v. 9 Cox C. C. 152; L.		Fullerger, R. v. 14 Cox C. C. 370
& C. 161	216	1057
R. v. L. & C. 443; 9 Cox		Fulton v. State, 8 Eng. (Ark.) 168
C. C. 471	111, 120, 186, 319, 514	883, 1027, 1043, 1050
R. v. 1 Mood. C. C. 356	449	Furlong, State v. 19 Me. 225
Frey, Com. v. 50 Penn. St. 246	1227	932, 933
Fribley v. State, 42 Ohio St.	1560	State v. 26 Me. 69
Friedberg v. People, 102 Ill. 160	983	1257
Friedlander v. State, 7 Tex. Ap. 204	1556	U. S. v. 5 Wheat. 183
Friend, R. v. R. & R. 20	139, 335, 518, 1567, 1585	270, 1860, 1862, 1864, 1869
Friery v. People, 2 Keyes, 424	54	Furnaux, R. v. R. & R. 835
Fries, State v. 53 Ind. 489	241	1044
U. S. v. Whart. St. Tr. 480,		Furnival, R. v. R. & R. 445
656	395, 1796, 1808, 1809	810, 818
Frink v. Potter, 17 Ill. 406	164	Fursey, R. v. 6 C. & P. 81
Frolich v. State, 11 Ind. 214	641	121, 1541
Frolickstein v. Wolf, 40 Ala. 725	1431 a	Fussell, R. v. 3 Cox C. C. 291
Frost's Case, 22 St. Tr. 471	1614	1615
Frost, R. v. 9 C. & P. 129	1401, 1790, 1797, 1807	G.
R. v. 7 Cox C. C. 394; D. &		
B. 449	1174	Gable, Com. v. 7 S. & R. 423
Fugate v. State, 2 Humph. 397	1465 d	305, 377, 542
Fulford v. State, 50 Ga. 591	640	Gade, R. v. 2 Leach, 732; 2 East
Fulgham v. State, 46 Ala. 143	633	P. C. 874
Fulkerson, State v. 1 Phil. (N. C.)	233	682
207, 233, 317		Gadson v. State, 36 Tex. 350
Fuller's Case, 2 East P. C. 488; 1		979
Leach, 196	784	Gaffery, State v. 12 La. An. 265
		940
Fry, in re, 12 Wash. L. R. 388	932	Gaffney, State v. Rice, 431
R. v. 7 Cox C. C. 394; D. &		570, 1287
B. 449	1174	Gafey, Com. v. 122 Mass. 334
Gaige, People v. 26 Mich. 30	1269, 1271, 1276, 1304	1620
Gailor, State v. 71 N. C. 88	887	Gage v. Lewis, 68 Ill. 604
Gaines, Com. v. 2 Va. Cas. 172	260,	1173
v. State, 7 Ill. 410	269, 272	v. Robinson, 12 Ohio, 250
		1645
Gager, State v. 26 Conn. 669; 28		v. Shelton, 3 Rich. 242
Conn. 232	1556, 1556 a	825, 830, 833
Gahagan, R. v. 1 Leach, 42; 1 East		
P. C. 129	1808	Gardiner, R. v. 8 C. & P. 787; 2
v. People, 1 Parker C. R.		Mood. C. C. 95
378	1700	1304, 1319
Gaige, People v. 26 Mich. 30	1269,	R. v. 1 Russ. on Cr. 53
	1271, 1276, 1304	1092
Gailor, State v. 71 N. C. 88	887	State v. 1 Ired. 27
Gaines, Com. v. 2 Va. Cas. 172	260,	733, 738
v. State, 7 Ill. 410	269, 272	State v. Wright (Ohio),
		392
Gainus, State v. 86 N. C. 632	644	34, 46
Gaither, State v. 72 N. C. 458	884	Gardner, People v. 2 Johns. 477
Gaiocchio v. State, 9 Tex. Ap. 387	1503	291, 930
		R. v. 1 C. & K. 628
		149, 1828
		R. v. 7 Cox C. C. 136; D.
		& B. 40
		1175, 1179, 1180
		R. v. 9 Cox C. C. 253; L.
		& C. 243
		902, 913
		R. v. 1 F. & F. 669
		133
		R. v. 1 Mood. C. C. 390
		415
		State v. 1 Houst. C. C.
		146
		388
		State v. 2 Mo. 22
		85, 1571,
		1572, 1573, 1576
		709

TABLE OF CASES.

SECTION		SECTION
Gale, R. v. L. R. 2 Q. B. D. 141;		Gardner, State v. 28 Mo. 90
13 Cox C. C. 340	1013,	1469
	1016, 1018, 1033	State v. 5 Nev. 377
		85 a
		U. S. v. 5 Mason, 402
		1877,
		1880
U. S. v. 109 U. S. 65	1841 a	U. S. v. 10 Pet. 618
Gallagher, Com. v. 1 Allen, 592	1498 a	750
Com. v. 4 Penn. L. J. 58	566, 1349	v. Preston, 2 Day, 205
		1349,
		1371
Com. v. 124 Mass. 29	1498 a,	Garing, State v. 71 Me. 152
	1520, 1528 a	1452
People v. 4 Mich. 244	1530	Garity, State v. 46 N. H. 61
State v. 3 Minn. 270	102	1449,
U. S. v. 2 Paine C. C.	U. S. v. 2 Paine C. C.	1458
	447	Garland's Case, 2 East P. C. 493
	640, 644	783
		Garland, Com. v. 3 Meto. (Ky.) 478
		1466
Gallard, R. v. 1 Sess. Cas. 231	1468	ex parte, 4 Wall. 333
Gaillears, R. v. 1 Den. C. C. 501; 2		30
C. & K. 981		State v. 3 Dev. 114
		1245
Galliard v. Laxton, 2 B. & S. 363	429	v. Towne, 56 N. H. 55
Galligher v. Com., 2 Duv. 163	319,	1412
		676
		v. State, 36 Tex. 693
		979
		v. State, 5 Yerg. 160
		1579
Gallimon, State v. 2 Ired. 372	1257,	Garnet v. State, 1 Tex. Ap. 605
	1288, 1296	610
Galloway, People v. 17 Wend. 540	1130, 1195	Garnett, People v. 35 Cal. 470
		1160
		v. Ferrand, 6 B. & C. 611
		634
Garnham, R. v. 8 Cox C. C. 451	871	Garnham, R. v. 8 Cox C. C. 451
Garrell, State v. 82 N. C. 530	1667,	871
		1674
Garrett, R. v. 6 Cox C. C. 260;		Garrett, R. v. 6 Cox C. C. 260;
Dears. 232; 22 Eng. L.		Dears. 232; 22 Eng. L.
& Eq. 607		& Eq. 607
		248, 279, 284 n.,
		896, 1202, 1206, 1207
R. v. 8 Cox C. C. 366; 2		R. v. 8 Cox C. C. 366; 2
F. & F. 14		F. & F. 14
State v. Winston (N. C.),		1055
144		State v. Winston (N. C.),
		144
		402, 426, 444
Garris v. State, 35 Ga. 247		923
Garrison v. People, 87 Ill. 96		30
v. People, 6 Neb. 274		576 a
		576 a
v. State, 14 Ind. 287		1451
Gartrell, State v. 14 Ind. 280		1747
Garvey, State v. 11 Minn. 154	51, 491,	644
		v. People, 6 Col. 559
		29, 543
Garza v. State, 11 Tex. Ap. 345		645
Gascoigne, R. v. 2 East P. C. 709		850
Gassert, State v. 65 Mo. 352		392
Gassett v. Gilbert, 6 Gray, 94		1632
Gassoway, People v. 28 Cal. 404		238,
		241
Gaston, State v. 73 N. C. 93		223
Gatchins v. People, 21 Ill. 642		699
Gately, Com. v. 120 Mass. 52		1030,
		1044
Gates, People v. 46 Cal. 52	1721 a,	1747
People v. 13 Wend. 311		1126,
		1195
People v. 15 Wend. 159		836
State v. 27 Minn. 52		1763
State v. 17 N. H. 373	89,	1246,
	1251, 1287	1251, 1287

TABLE OF CASES.

SECTION		SECTION	
Gatherecole, R. v. 2 Lew. C. C. 237		Gibert, State v. 87 N. C. 527	1556 a
1595, 1602, 1605		U. S. v. 2 Sumner, 19	214, 220,
Gathings v. State, 44 Miss. 343	1503		397, 1863, 1867
Gatlin v. State, 5 Tex. Ap. 531	476	Gibson, Com. v. 2 Va. Cas. 70	393,
Gaul, People v. 44 Barb. 98	267		517, 539
v. State, 50 Conn. 193	572, 578	R. v. 8 Cox C. C. 436	1018
Gannt v. Pinney, L. R. 8 Ch. 8	1415	R. v. 6 T. R. 265	1522
Gay v. Homer, 13 Pick. 535	1596	State v. 10 Ired. 214	100, 618,
Gayle v. State, 4 Lea. 466	1557		628
Gaylor, R. v. D. & B. C. C. 288; 7		v. Com., 2 Va. Cas. 111	630
Cox C. C. 253	216, 229, 232,	v. State, 44 Ala. 17	1276
	237, 316, 456	v. State, 54 Md. 447	825
Gaylord, U. S. v. 17 Fed. Rep. 438	1831	v. State, 38 Miss. 313	1691,
			1692
Gazell, State v. 30 Mo. 92	926	Gideon, U. S. v. 1 Minn. 292	1070,
Geach, R. v. 9 C. & P. 499	119, 713,		1082 a, 1082 d
	718	Giesca, People v. 61 Cal. 53	1714
Gearhart v. Dixon, 1 Penn. St. 224	24	Gilbert, R. v. 1 Mood. C. C. 185	972,
Geddis, State v. 42 Iowa, 264	41		975
Gedieke, State v. 43 N. J. L. 86	596	State v. 2 Bay, 355	1090
Gehrke v. State, 13 Tex. 568	393	U. S. v. 17 Int. Rev. Rec.	
Geissler, ex parte, 9 Biss. 492	1841 a		54
Genet, People v. 19 Hun. 91	1141		1827
Genkinger v. Com., 32 Penn. St.		v. People, 1 Denio, 41	1637
99	1498 a	v. Stone, Aley, 35	95
Gentry v. State, 3 Yerg. 451	703	Giles, R. v. L. & C. 502; 10 Cox C.	
George, R. v. 11 Cox C. C. 41	600	C. 44; 34 L.J. 501	1140, 1179,
v. George, 47 N. H. 27	1431 b		1192
v. Gobey, 128 Mass. 289	1503	R. v. 1 Mood. C. C. 166	67, 207,
Gerdeman, Com. v. 11 Phila. 374	1038 a		710
Gerhardt, State v. 3 Jones (N. C.),		R. v. R. & R. 367	1432 a
178	1501	State v. 52 Ind. 356	241
Gertrude, The, 3 Story, 68	95	Gilham, R. v. M. & M. 165	1639
Gessert, State v. 21 Minn. 369	292	Gilkinson, People v. 4 Park. C. R.	
Getchell, People v. 6 Mich. 496	1201,	26	1499
	1226	Gill, People v. 6 Cal. 637	292
Getting v. Foss, 3 C. & P. 160	1633	R. v. 1 Str. 190	620
Gening v. State, 1 McCord, 572	1500,	R. v. 2 B. & Ald. 204	
	1509		1348, 1382
Gherkin, State v. 7 Ired. 206	677	R. v. 6 Cox C. C. 295; Dears.	
Gholson v. State, 53 Ala. 519	1557	289	1039
Gholston v. Gholston, 31 Ga. 625	633	v. Parker, 31 Vt. 610	1530
Giacomo, in re, 12 Blatch. 391	268	Gilleland v. State, 44 Tex. 356	436 a
Gibbons Case, Post. 107	775	Gillespie, Com. v. 7 S. & R. 469	94 a
Gibbon, R. v. 9 Cox C. C. 105, 501;			223, 247, 248, 279, 288,
L. & C. 109	1277, 1279		1345, 1348, 1352, 1422,
Gibbons, Com. v. 134 Mass. 197	1498 a		1493, 1496, 1503, 1504,
R. v. 12 Cox C. C. 237	88,		1627
	1705	Penns. v. Addis, 267	17
R. v. 1 East, 183	1572 b, 1857	State v. 88 N. C. 386	1197,
R. v. E. & R. 442	791, 799		1221
State v. 1 South. 40	1776	v. State, 13 Tex. Ap. 415	641
v. People, 33 Ill. 442	1465 b	Gillett, State v. 56 Iowa, 430	641, 641 a
v. Pepper, 2 Salk. 637	620	v. Camp, 27 Me. 541	359
v. State, 14 Grat. 582	1486	v. Mason, 7 Johns. 16	869
Gibbs, R. v. Dears, 448; 6 Cox C.		Gillham, R. v. 6 T. R. 265	1679
C. 455	1020	Grilliam, U. S. v. 11 Wash. L. R.	
R. v. 1 East, 173	1126	129	507
R. v. 8 Mod. 58	1128	Gillings, R. v. 1 F. & F. 36	888, 916,
v. State, 41 Tex. 491	1063	Gillooley v. State, 58 Ind. 182	966

TABLE OF CASES.

SECTION		SECTION	
Gillow, R. v. 1 Mood. C. C. 85; 1		Godfrey, People v. 1 Hall (N. Y.)	
Lew. C. C. 57	119	240	1097, 1105, 1110
Gilly v. State, 15 Tex. Ap. 287	484	R. v. 8 C. & P. 563	883, 898,
Gilman, State v. 69 Me. 163	120, 317,		966
	641, 646 a	R. v. D. & B. 428; 7 Cox	
		C. C. 392	979, 1223
		State v. 3 Fairf. 361	91, 92
		v. People, 63 N. Y. 207	581,
			582, 583
		v. State, 31 Ala. 323	68
		Godfrieson v. People, 88 Ill. 284	1505
		Goding, Com. v. 3 Met. 130	1462, 1465
		Godschalk, Com. v. 13 Phila. 575	1637
		Godsey, State v. 13 Ired. 348	1093,
			1103
		Goerson v. Com., 99 Penn. St. 338	519
		Goetz v. State, 41 Ind. 162	88
		Goff, R. v. 9 Up. Can. C. P. 438	173
		State v. 20 Ark. 289	95, 1431 c
		v. Prime, 26 Ind. 196	187
		Goffin v. Donelly, 44 L. T. N. S.	
		141	1634
		Goforth v. State, 8 Humph. 37	1072 a,
			1077
		Gogerly, R. v. R. & R. 343	218
		Glackan v. Com., 3 Meto. (Ky.)	
		232	1173, 1214
		Glaadden v. State, 12 Fla. 562	480, 489
		Glandfield's Case, 2 East P. C.	
		1034	836, 840
		Glascocks v. State, 10 Mo. 508	1465 a,
			1465 b
		Glasgow, State v. Conf. R. 33	1572 b,
			1580
		Glass, Com. v. 33 Grat. 827	1513
		R. v. 1 Den. C. C. 215; 2 C.	
		& K. 395	885, 967
		State v. 5 Oreg. 73	325
		v. Com., 6 Bush, 436	850, 857
		Glassie, R. v. 7 Cox C. C. 1	918, 981 c
		Glaze, State v. 3 Ala. 233	1728
		State v. 9 Ala. 283	1747, 1748
		Glover, Com. v. 111 Mass. 395	225 a,
			236, 806
		R. v. L. & C. 468; 9 Cox	
		C. C. 500	1019, 1032
		v. Whittenhall, 6 Hill, 597,	
		599	439
		Glyde, R. v. L. R. 1 C. C. 139; 11	
		Cox C. C. 103	902, 910
		Gnosil, R. v. 1 C. & P. 304	854
		Goas, R. v. London Law Times,	
		Feb. 18, 1882	1018
		Goate, R. v. 1 Id. Raym. 737	713, 743,
			745
		Goble, State v. 60 Iowa, 447	1219
		Goddard, Com. v. 4 Allen, 312	1227
		Com. v. 13 Mass. 455	640
		R. v. 2 F. & F. 361	
			1277, 1284

TABLE OF CASES.

SECTION		SECTION
Goodchild (see Goodall), R. v. 2 C. & K. 293	596	Gordon v. State, 52 Ala. 308 87, 1832 a, 1835, 1837
Goode, R. v. 7 Ad. & El. 436	34, 46	v. State, 4 Mo. 375 1777
R. v. C. & M. 582	956, 963, 1027	Goree v. State, 71 Ala. 7 692, 1431, 1432
R. v. 2 C. & P. 422, n.	975	Gore's, Agnes, case cited in Kel. 131, 132 317
State v. 1 Hawks (N. C.), 463	223, 237	Gorham, State v. 67 Me. 247 1498 a, 1502
v. Harrison, 5 B. & Ald. 147		State v. 55 N. H. 152 850
Gooden v. State, 55 Ala. 178	655	Gorman, State v. 2 N. & McC. 90 964
Goodenough, Com. v. Thach. C. C. 132	713, 743 a	State v. 58 N. H. 77 1520, 1528 a
Goodenow, State v. 65 Me. 30	84, 85 a, 88, 1756	v. Lowell, 111 Mass. 65 1431 c
Goodfellow, R. v. C. & M. 569	1304	v. State, 23 Tex. 646 1700
Goodhall, R. v. R. & R. 461	1135, 1136, 1173	Gormley, Com. v. 133 Mass. 580 1512
Goodhue, Com. v. 2 Met. 193	1346, 1749, 1751	Gorsuth v. Butterfield, 2 Wis. 237 1523
v. People, 94 Ill. 37	1042	Goss, Resp. v. 2 Yeates, 479 1326
Gooding, R. v. C. & M. 297	1714	R. v. 8 Cox C. C. 262; Bell, 208 1156, 1159
U. S. v. 12 Wheat. 460	192, 1890	State v. 69 Me. 1043, 1063, 1572 d
Goodman, Com. v. 97 Mass. 117	84, 85 a, 88, 1462, 1507, 1528 a	Gostorf v. State, 39 Ark. 450 1505
R. v. 22 U. C. C. P. 338	179	Gotley, R. v. R. & R. 84 1559
State v. 6 Rich. 387	1657	Gougleman v. People, 3 Parker C. R. 15
v. Eastman, 4 N. H. 455	677	573
v. State, 41 Ark. 228	1465 b	Gourdier, Com. v. 14 Gray, 390 1465 b
v. State, 4 Tex. Ap. 349	481	Govier v. Hancock, 6 T. R. 603 1563
Goodnow, Com. v. 117 Mass. 114	1474	Gowen, Com. v. 7 Mass. 378 1473
Goodrich, Com. v. 18 Allen, 546	1432 a	R. v. 2 East P. C. 1027 836
State v. 14 W. Va. 851	1710	Goyette, State v. 11 R. I. 592 1528 a,
v. People, 19 N. Y. 574;		1505
3 Parker C. R. 622	1434, 1435	Grady, Com. v. 13 Bush, 285 1166, 1188
Goodrum v. State, 60 Ga. 509	617	Com. v. 108 Mass. 412 1499
Goods v. State, 3 Greene, 566	1503	State v. 34 Conn. 119, 279, 280, 284, n., 287
Goodwin, R. v. 1 Russ. C. & M. 563	513	Graff, U. S. v. 14 Blatch. 381 1373, 1398, 1403
v. Smith, 72 Ind. 113	1499	v. Davis, 8 Q. B. D. 375 1519 a
v. State, 4 S. & M. 520	519	Graffins v. Com., 3 Penn. R. 502 1427
Goold, State v. 53 Me. 279	623	Graham, People v. 21 Cal. 261 566
State v. 62 Me. 509	1660	People v. 6 Parker C. R. 135 677
Gordon's Case, 15 Weekly Notes, 282	1140	State v. 51 Iowa, 72 641
Gordon, People v. 40 Mich. 716	813	State v. 62 Iowa, 108 577
R. v. 2 Doug. 590	1796	State v. 46 Mo. 490 87
R. v. 1 East P. C. 71	1803	State v. 3 Sneed, 134 19, 1431, 1432 b
R. v. 1 Leach, 515; 1 East P. C. 352	225, 648	State v. 15 Rich. 310 1477, 1486
R. v. 2 Leach, 581	1570	v. State, 40 Ala. 659 836
R. v. E. & E. 48	1690	Grainger v. State, 5 Verg. 459 38, 489
R. v. 22 St. Tr. 213	795, 1612 a	Grames v. State, 68 Me. 418 1502, 1508
U. S. v. 5 Blatch. C. C. 18	270	Grand Trunk R. R., R. v. 19 Up. Can. Q. B. 165 1476
U. S. v. 22 Fed. Rep. 250	1356 a	Granfield, R. v. 12 Mod. 98 1598
v. Hostetter, 37 N. Y. 99	31 b	Gran Para, 7 Wheat. 471 1905, 1908, n.
v. People, 3 Iowa, 410	542	Granberry v. State, 61 Miss. 440 1747

TABLE OF CASES.

SECTION		SECTION
Grant, Com. v. 116 Mass. 17	1276, 1277	Green, State v. 66 Mo. 631 377, 413, 414
State v. 22 Me. 171	938	State v. 81 N. C. 560 923
State v. 74 Mo. 33	682	State v. 4 Stroh. 128 221
Grassis, U. S. v. 3 Wash. C. C. 65	1905	State v. 3 Whart. & St. § 549 562, 566
Gratitudina, The, 3 C. Rob. 266	95	State v. 7 Wis. 676 1227
Gravatt v. State, 25 Ohio St. 162	1011, 1063	U. S. v. 2 Cranch. C. C. 520 682, 687
Graves, Com. v. 18 B. Mon. 33	1500, 1500 a	v. Chapman, 5 Scott, 340; 4 Bing. (N. C.) 92 1632
v. State, 9 Ala. 447 1639, 1644		v. Com., 12 Allen, 155 893, 943
v. State, 45 N. J. 203	61, 347, 393	v. Com., 5 Bush. 1327 1485 d
v. State, 14 Tex. Ap. 113	381	v. Com., 63 Penn. St. 75 380, 381, 455
Gray's Case, 1 Str. 481	762	v. Hern, 2 Penn. R. 167 1667, 1678
Gray, Com. v. 2 Duv. 373	1840, 1846	v. People, 21 Ill. 125 1466, 1510
Com. v. 129 Mass. 474	1733	v. State, 41 Ala. 419 1246
People v. 25 Wend. 465	237	v. State, 58 Ala. 190 1754
R. v. 7 C. & P. 164	211, 569	v. State, 66 Ala. 40 288, 293, 392
R. v. 9 Cox C. C. 417	1082 a	v. State, 69 Ala. 6 486 a, 490
R. v. 4 F. & F. 1098	130, 337, 350, 831	v. State, 38 Ark. 304 117, 541
State v. 8 Jones, 170	555	v. State, 23 Miss. 509 570
U. S. v. 2 Cranch C. C. 675	1452, 1459	v. State, 55 Miss. 454 547
Com. v. 9 Dana, 300	1501	v. State, 13 Mo. 332 117, 207, 213, 216, 314
v. Combs, 7 J. J. Marsh. 478	464, 507	Greenacre, R. v. 8 C. & P. 36 232, 242, 539
v. Pentland, 2 S. & R. 23; 4 S. & R. 420	1636	Greenan, Com. v. 11 Allen, 241 1498 a
v. State, 4 Baxt. 332	381	Greene, Com. v. 111 Mass. 392 885, 936
Great, State v. 28 Minn. 426	61	v. Briggs, 1 Cartie C. C. 311 1530
Greathead, R. v. 14 Cox C. C. 108	1180	Greenfield, Com. v. 121 Mass. 40 118, 1532
Greathouse, U. S. v. 2 Abb. U. S. 364	283, 1782, 1793, 1798, 1799, 1801, 1864	Greenhalgh, R. v. 25 Eng. L. & Eq. 570; Dears. 267; 6 Cox C. C. 257 1196
Great North of Eng. Railway, R. v. 9 Q. B. 315	24, 91, 1476	Greenleaf v. Ill. Cent. R. R. 29 Iowa, 14 164
Great Works Co., State v. 20 Me. 41	91	Greenlee, State v. 1 Dev. 523 697, 735, 742, 743 a
People v. 1 Ashm. 289	48, 157, 159, 315, 377, 399 a, 458, 480	Greenlow v. State, 4 Humph. 25 1438
Com. v. 60 Ky. 178	362	Greenough, in re, 31 Vt. 279 1155, 1188
Com. v. 2 Pick. 380	69, 184, 551	Greenwood, R. v. 1 Russ. Cr. 131; 7 Cox C. C. 404 167
R. v. 7 C. & P. 156	337, 352, 406	R. v. 9 Eng. L. & Eq. 535; 2 Den. C. C. 453 223, 748
R. v. Dears. 323; 6 Cox. C. C. 296	876, 880, 954, 961	Greer v. State, 50 Ind. 267 574, 577, 640
R. v. 37 Eng. L. & Eq. 597; 7 Cox C. C. 186; D. & B. 113	939	Gregg, R. v. 10 St. Tr. Ap. 77 1802
R. v. 3 F. & F. 274	1756	Gregory R. v. 2 F. & F. 153 352
R. v. Jebb's C. C. 281	703	B. v. L. R. 1 C. C. 77; 10 Cox C. C. 459 17, 237
State v. 63 Ala. 143	770	R. v. 2 N. & M. 478; 5 B. & Ad. 555 24, 1473
State v. 24 Ark. 591	1261	State v. 2 Murph. 69 1315 713
State v. 7 Fred. 39	581	
State v. 37 Mo. 466	476, 485	

TABLE OF CASES.

SECTION	SECTION
Gregory v. Com., 2 Dana, 417	1473
v. Hill, 8 T. R. 299	506, 624
v. R., 15 Q. B. 957	1595
v. State, 26 Ohio St. 510	87, 655, 668
Greiner, U. S. v. 24 Law Rep. 92;	
4 Phila. 396	1799, 1803 a
Greschia v. People, 53 Ill. 295	467,
	506
Gressor, State v. 19 Mo. 247	883
Grey, R. v. 1 East P. C. 460	1361
R. v. 2 East P. C. 708	847
R. v. 4 F. & F. 73	1432, 1464
Griepe, R. v. 1 Ld. Raym. 256	1278,
	1303
Grier, Penn. v. 1 Smith's Laws (Pa.), 3	1108
Griffin, Com. v. 3 Cush. 523	1524
in re, 25 Tex. 623	268 a
People v. 2 Barb. 427	288,
	1664, 1666
People v. 19 Cal. 578	807
People v. 38 How. (N. Y.)	
475	876, 878
People v. 1 Idaho, 476	1431 a
R. v. 11 Cox C. C. 402	374
R. v. 14 Cox C. C. 38	1696
State v. 34 La. An. 137	542
State v. 43 Tex. 528	1469
State v. 18 Vt. 198	721, 751
v. State, 26 Ga. 493	173, 176,
	178, 181, 195
v. State, 14 Ohio St. 55	731
v. State, 12 Tex. Ap. 423	645 a
Grigsby, People v. 62 Cal. 482	388
Griffith, State v. 67 Mo. 287	88
Griffiths, R. v. D. & B. 584	657
Griggs v. State, 58 Ala. 425	909
Grimes v. State, 63 Ala. 166	828
Grimsshaw, People v. 40 Hun, 505;	
20 Week. Dig. 116	1277, 1296
Grimwade, R. v. 1 Den. 30; 1 C. &	
K. 592; 1 Cox C. C. 67	1666 a,
	1666 b
Grindley, R. v. 1 Russ. on Cr. 12,	
note f	54
Grisham v. State, 2 Yerg. 589	15 a,
	16, 1446, 1748 b
Groat v. People, 39 Mich. 124	576,
Groff, State v. 1 Murph. 270	237
Groner v. State, 6 Fla. 39	1466
Groombridge, 7 C. & P. 582	68, 69,
	551
Groome, State v. 5 Strobb. 158	748,
	1123
Gross v. Peters, 1 Greenl. 387	1116
Grosvenor, R. v. 2 Stark. 511	1481
Grounsell, R. v. 7 C. & P. 788	519, 523
	1746, 1751
Grout, R. v. 6 C. & P. 329	319, 355
Grove, Com. v. 7 Phila. 660	1570
R. v. 1 Mood. C. C. 447; 7	
C. & P. 635	1030, 1044,
	1062 a
v. Fort Wayne, 45 Ind. 429	
	1412
Groves, State v. Busbee, 402	1298
Grumbine v. State, 60 Md. 355	84
Gruncell, R. v. 9 C. & P. 365	897, 914,
	986
Grunson v. State, 89 Ind. 533	964, 973
Grunkenayer v. State, 25 Ohio St.	
548	1512 a
Grupe v. State, 67 Ind. 267	1514
Grush, U. S. v. 5 Mason, 290	260
Gruso, State v. 28 La. An. 952	566
Guedel v. People, 43 Ill. 226	519, 530
Guelder, R. v. Bell, 284; 8 Cox C.	
C. 372	1018, 1030
Guernsey, R. v. 1 F. & F. 394	1886
State v. 33 Me. 527	1528 a
Guest, State v. 6 Ala. 778	598
Guetig, State v. 66 Ind. 34	43
Guffee v. State, 8 Tex. Ap. 187	473,
	479
Guice v. State, 60 Miss. 714	492
Guild, Com. v. Thach. C. C. 329	1628
State v. 5 Halst. 163	67, 68, 74
Guilford v. State, 24 Ga. 315	211 d
Guinet's Case, Whart. St. Tr. 93;	
2 Dall. 321	282, 1805, 1905, 1908
Guiteau, U. S. v. 1 Mack. 498; 3	
Crim. Law Mag. 680	46, 63, 292
Gulick, People v. Hill & Denio, 229	
	648, 649
Gullick v. Tremblett, 20 W. R.	
358	1415
Gulston, R. v. 2 Ld. Raym. 1210	
	1546
Gumble, R. v. 42 L. J. M. C. 7; L.	
R. 2 C. C. 1	974
Gummer, State v. 22 Wis. 441	1506,
	1510
Gunter v. Leckey, 30 Ala. 591	1505
v. Patton, 2 Heisk. 261	310
v. State, 1 Lea, 129	1431 c
Gupton, State v. 8 Ired. 271	1462
Gurnee, State v. 14 Kans. 296	1082 c
Gurney, R. v. 11 Cox C. C. 414	
	1349, 1374
State v. 37 Me. 149	1431
Gut, State v. 13 Minn. 341	41, 61, 310
v. State, 9 Wall. 35	31
Gutch, R. v. M. & M. 433	221, 247,
	1627
Guthrie, R. v. L. E. 1 C. C. 241	575
Gutierrez, ex parte, 45 Cal. 429	30
v. State, 4 Tex. 587	573
Guttridge, R. v. 9 C. & P. 471	566

TABLE OF CASES.

	SECTION	SECTION
Haack v. Fearing, 5 Robertson, 528	344	Halford, State v. 6 Rich. 58
Hackett, Com. v. 2 Allen, 136	157, 159	Hall, Com. v. 4 Allen, 305
v. Com., 15 Penn. St. 95	17,	Com. v. 97 Mass. 570
173, 192, 810, 811, 1067		Com. v. 128 Mass. 410
Hackney v. State, 8 Ind. 494	15 a,	Com. v. 3 Pick. 388
	1411, 1412, 1449	Com. v. 78 Va. 678
Hadcraft, Com. v. 6 Bush, 91	1499	in re, 8 Ont. App. 31
Hadden v. People, 25 N. Y. 373	146,	People v. 57 Cal. 569
	150, 590	People v. 57 How. Pr. 342
Hadfield's Case, 27 How. St. Tr.		People v. 47 Mich. 636
1282	34	568, 575
Hadfield, R. v. L. R. 1 C. C. 253	1082	R. v. 3 C. & F. 409
Hadley, Com. v. 11 Met. 66	94 a, 1504,	85 a, 853,
	1542	884, 896, 1576
v. Taylor, L. R. 1 C. P. 53	1474	R. v. 2 C. & K. 947; 1 Den.
Hagan, R. v. 8 C. & P. 167	405, 415,	C. C. 381
	598	641
v. State, 10 Ohio St. 459	233,	R. v. 13 Cox C. C. 49
	543	1021
Hager v. State, 35 Ohio St. 268	795	R. v. 6 Mod. 76
Hagerman, State v. 47 Iowa, 151	550,	1462, 1465
	565	R. v. 1 Mood. C. C. 474
Haggerty, Com. v. Lewis C. L. 403	52, 61, 389	1015
People v. 46 Cal. 354	826	R. v. R. & R. 355
Hague, R. v. 12 W. E. 310	1832 a	767, 1030
Haher, Com. v. 113 Mass. 207,	1498 a,	R. v. 3 Stark. (N. P.) 67
	1520	1016,
Haigh, R. v. 7 Cox C. C. 403	1062	1037
Haile v. State, 11 Humph. 154	51; 52,	R. v. 1 Str. 416
	54	1605
Halley, R. v. R. & M. 94; 1 C. &		State v. 7 Blackf. 25
P. 258	1272, 1294	1272, 1304
State v. 2 Stroh. 73	650	State v. 5 Harring. 492
Hails v. State, 38 Ark. 564	1557	864, 867
Haines, Com. v. 4 Clark (Pa.), 17		State v. 39 Me. 107
	1474, 1605	1506, 1506 b
Com. v. 15 Phila. 356	1366	State v. 49 Me. 412
R. v. 2 C. & K. 368	130, 152,	1272
	165, 337, 338, 356, 369	State v. 32 N. J. L. (3 Vroom),
R. v. R. & R. 450	767	158
State v. 30 Me. 65	1411, 1426,	1462, 1465 d
	1462, 1465, 1465 b	v. Crawford, 5 Jones (N. C.),
State v. 35 N. H. 207	1509	3
U. S. v. 5 Mason, 272 1878, 1880		1082 c
v. Hanrahan, 105 Mass.		v. People, 39 Mich. 717
480	1505	915
Halberstadt, U. S. v. Gilp. 262	247	v. People, 43 Mich. 417
Halbert v. State, 3 Tex. Ap. 656	317	817
Hale, R. v. cited Steph. Dig. C. L.		v. People, 48 Mich. 482
art. 257	1682	385
U. S. v. 4 Cranch C. C. 83	1126	v. People, 90 N. Y. 498
Haley, State v. 52 Vt. 476	1452, 1498,	1838 b
	1498 a, 1520, 1528 a	v. Pickard, 3 Camp. 184
v. McPherson, 3 Humph.		365
104	1271	v. State, 40 Ala. 698
v. State, 63 Ala. 39	1605	543
Halford, R. v. 11 Cox C. C. 88	884	v. State, 53 Ala. 463
R. v. 7 Mod. 193	1573	1721 a,
		1747, 1748
Halley, Com. v. 103 Mass. 452		v. State, 6 Bax. 522
		973
R. v. 9 C. & P. 748		v. State, 34 Ga. 208
		884
State r. 8 Ala. 159		v. State, 4 Harring. 132
		1431,
		1449, 1587
v. State, 3 Lea, 552		v. State, 3 Lea, 552
		831
v. State, 48 Wis. 688		v. State, 48 Wis. 688
		820
v. U. S. 98 U. S. 343		1049
Hallard, R. v. 2 East P. C. 498		Hallaway's Case, Cro. Car. 131; 1
Hallaway's Case, Cro. Car. 131; 1		Hale, 434
		458, 482
Hallenbeck, People v. 2 Abb. N. C.		Hallenbeck, People v. 2 Abb. N. C.
		661
		1606
v. Dewitt, 2 Johns. 404		v. Dewitt, 2 Johns. 404
		671
Hallett, Com. v. 103 Mass. 452		Hallett, Com. v. 103 Mass. 452
		1506 b
R. v. 9 C. & P. 748		R. v. 9 C. & P. 748
		557, 577
State r. 8 Ala. 159		State r. 8 Ala. 159
		88
Halley v. State, 43 Ind. 509		Halley v. State, 43 Ind. 509
		1223
Halloway, R. v. 1 C. & P. 127		Halloway, R. v. 1 C. & P. 127
		871,
		928
Halpin, R. v. 9 B. & C. 65; Doug.		Halpin, R. v. 9 B. & C. 65; Doug.
387		1643, 1644
Halsey, State v. 1 South. 324		Halsey, State v. 1 South. 324
		1579

TABLE OF CASES.

SECTION		SECTION
Halstat, Com. v. 2 Bost. Law Rep.		
177	1246	Hammond, v. State, 11 Tex. Ap.
Halstead v. Com., 5 Leigh,	724	116 758
Halsted v. State, 12 Vroom,	552	Hamer, Com. v. 8 Grat. 698 1509
	88,	Hamp, R. v. 6 Cox C. C. 167 1330
	1568	Hampton, Com. v. 3 Grat. 590 1499
Haly, R. v. 1 Craw. & D. 199	1251	State v. 63 N. C. 13 182, 606
Han v. State, 4 Tex. Ap. 648	284 n.,	v. State, 45 Ala. 82 1686
	728 a	v. State, 10 Lea, 639 1070
Hannaker v. Blanchard, 90 Penn.		Hanson, Com. v. 11 Gray, 308 1431
St. 377	901	Hanchett, in re, 18 Fed. Rep. 26;
Hambleton, State v. 24 Mo. 452	1082 d	16 Rep. 578 267
Hamby v. State, 36 Tex. 523	392, 535	Hancock, R. v. 38 L. T. (N. S.)
Hamilton, ex parte, 1 Ben.	267	787 990 a
Com. v. 15 Gray, 480	841	v. State, 14 Tex. Ap.
People v. 46 Cal. 540	565,	373 211 a
People v. 62 Cal. 377	61	Hand, State v. 7 Iowa, 411 1452, 1453
R. v. 7 C. & P. 448	1348,	U. S. v. 6 McLean, 274 1897
	1386	U. S. v. 2 Wash. C. C. 435 603,
R. v. 8 C. & P. 49	847	1899
State v. 1 Honst. C. C.	101	v. Winton, 38 N. J. L. 122 1595
	388	Handeock v. Baker, 2 B. & P. 260
State v. 65 Mo. 667	1287	8, 494
State v. 13 Nev. 386	209,	Handley, R. v. C. & M. 547 897
213, 214, 219, 279, 287,		R. v. 13 Cox C. C. 79 445
	1397	R. v. 1 F. & F. 648 1756,
U. S. v. 11 Biss. 85	1827	1759
U. S. v. 3 Dall. 17	268	Handy, State v. 4 Herring, 566 68,
U. S. v. 1 Mason, 443	1876,	69, 184, 551, 558
	1877, 1880	Haney, State v. 34 Ark. 263 519, 530
v. Com., 3 Pen. & W.		State v. 2 Dev. & Bat. 381,
(Penn.) 142	590	390 727
v. People, 57 Barb. 625	84,	State v. 4 Eng. 193 1466
	1835	State v. 32 Kan. 428 1500
v. R., 9 Ad. & El. 271,		State v. 67 N. C. 467 512, 537
2 Cox C. C. 11	1147,	v. Sharp, 1 Dana, 442 266
1152, 1179, 1184, 1188,		Hanks, R. v. 3 C. & P. 419 1257, 1262
1193, 1213, 1226, 1227		v. State, 13 Tex. Ap. 289
v. State, 16 Fla. 288	1210	275, 287, 291
v. State, 36 Ind. 280	186	Hanlon, Com. v. 3 Brews. 461; 8
v. State, 75 Ind. 586	1465 b	Phila. 401 384
v. State, 35 Miss. 214	899	Hann, State v. 40 N. J. L. 228 241
v. State, 7 Mo. 300	1271	Hanna v. People, 86 Ill. 243 217
v. State, 11 Ohio, 435	291,	Hannam v. Mockett, 2 B. & C.
	930	934; 4 D. & R. 518 869
v. State, 11 Tex. Ap.		Hannan, R. v. 13 Cox C. C. 547 182
116	758, 812	Hannett, State v. 54 Vt. 83 830, 887
Hamlin, State v. 47 Conn.	95	Hannum, Resp. v. 1 Yeates, 71 1574,
	393, 540	1576
Hammill, People v. 2 Parker C. R.		Hanover, U. S. v. 17 Fed. Rep. 444
223	50, 54	183
Hammon, R. v. R. & R. 221;	2	Hanrahan v. State, 57 Ind. 527 1463
Leach, 1083; 4 Taunt. 304	960;	Hansard's Case,
	962 b, 1036	1571
Hammond, R. v. 2 Esp. 718	1399	Hansford v. State, 54 Ga. 55 640
R. v. 1 Leach, 499 (3d		Hanson, R. v. 2 C. & K. 912 18, 610,
ed.)	76, 79	1434
v. State, 3 Cold. 129	283,	R. v. C. & M. 334 743 a, 744
853, 890, 1799, 1818		R. v. 2 Mood. C. C. 245 713
v. State, 80 Ind. 80	1664	R. v. Paley on Conv. 45
		n.; 1 C. & P. 538 1500
v. State, 77 Mo. 157	556, 574	R. v. Say, 229 1124

TABLE OF CASES.

SECTION		SECTION
Hanson, State v. 39 Me. 337		1288,
		1290
State v. 23 Tex. 234		1609
v. State, 43 Ind. 550		1503
Hanvey v. State, 68 Ga. 612	50, 455 a	Harless v. U. S., 1 Morris, 169 1467 a
Hanway, U. S. v. 2 Wall. Jr.	139, 224,	Harley, Com. v. 7 Met. 462 1171,
	395, 1796, 1808	1184, 1209, 1212, 1403
v. Boulbee, 1 M. & Rob.		R. v. 4 C. & P. 369 207
14		Harlis, State v. 33 La. An. 1172 1287
Hapgood, R. v. L. B. 1 C. C. 221		Harlow, State v. 21 Mo. 446 50, 52, 54
		v. Com., 11 Bush, 610 1452,
		1459, 1460
Harman, Com. v. 4 Barr,		309,
		1706
State v. 78 N. C. 515	459, 506	State v. 78 N. C. 515 459, 506
v. Com., 12 S. & R. 69	570,	v. Com., 12 S. & R. 69 570,
	573, 1387	v. Harnam, 16 Ill. 85 1697
Harberger, State v. 4 Tex. Ap.	26	Harborne, R. v. 2 Ad. & El. 540 1706
		Hardcastle v. So. Yorksh. R. Co., 4
Hardcastle v. N. 67		H. & N. 67 464
Hardeman v. State, 12 Tex. Ap.		Hardeman v. State, 12 Tex. Ap.
207		207 926
Harden, State v. 11 S. C. 360		Harden, State v. 11 S. C. 360 1473
		Hardley, R. v. 14 Q. B. 529 1559
Hardie, State v. 47 Iowa,	647	Hardie, State v. 47 Iowa, 647 133,
		164, 344, 373 a
Hardin, State v. 2 Dev. & Bat.		Hardin, State v. 2 Dev. & Bat. 407
		218, 927
State v. 1 Kan. 474		State v. 1 Kan. 474 1491 a
v. State, 63 Ala. 38		v. State, 63 Ala. 38 1557
v. State, 4 Tex. Ap. 355		v. State, 4 Tex. Ap. 355 537,
		1398
Harding's Case, 1 Greenl.	22	Harding's Case, 1 Greenl. 22 1085,
		1086, 1092, 1107
Harding, R. v. R. & R. 125		Harding, R. v. R. & R. 125 956
		R. v. 2 Vent. 315 1802
v. State, 54 Ind. 359		v. State, 54 Ind. 359 695
Hardison, State v. 75 N. C. 203		Hardison, State v. 75 N. C. 203 932
Hardister, State v. 38 Ark. 605		Hardister, State v. 38 Ark. 605 362,
		365
Hardwick, R. v. 1 Sid. 282		Hardwick, R. v. 1 Sid. 282 1444
		State v. 2 Mo. 185 1287,
		1291
Hardy, Com. v. 1 Ashm. 410		Hardy, Com. v. 1 Ashm. 410 1431,
		1605
R. v. 2 Stark. Ev. 234 (2d		R. v. 2 Stark. Ev. 234 (2d
ed.)		ed.) 1401
R. v. L. R. I. C. C. 278		R. v. L. R. I. C. C. 278 1083
		State v. 47 N. H. 538 1836
Hare, Com. v. 4 Penn. L. J. 257		Hare, Com. v. 4 Penn. L. J. 257 220
		377, 388, 434
U. S. v. 2 Wheel. C. C. 300;		U. S. v. 2 Wheel. C. C. 300;
1 Cranch C. C. 82		1 Cranch C. C. 82 1823
Hargett, State v. 65 N. C. 669		Hargett, State v. 65 N. C. 669 473
		Hargrave, R. v. 5 C. & P. 570 292
State v. 65 N. C. 466		State v. 65 N. C. 466 554
		U. S. v. 17 Int. Rev.
Rec. 39		Rec. 39 749
v. Le Breton, 4 Burr.		v. Le Breton, 4 Burr.
2425		2425 1631
Harkins v. People, 128 Mass. 79		Harkins v. People, 128 Mass. 79 1179
		v. State, 6 Tex. Ap. 452 591
Harlan v. People, 1 Dougl. (Mich.)		Harlan v. People, 1 Dougl. (Mich.)
207		207 266
		P. C. 498 717

SECTION		SECTION
Harless v. U. S., 1 Morris, 169	1467 a	Harley, Com. v. 7 Met. 462 1171,
		1184, 1209, 1212, 1403
R. v. 4 C. & P. 369	207	R. v. 4 C. & P. 369 207
Harlis, State v. 33 La. An. 1172	1287	Harlis, State v. 33 La. An. 1172 1287
Harlow, State v. 21 Mo. 446	50, 52, 54	Harlow, State v. 21 Mo. 446 50, 52, 54
v. Com., 11 Bush, 610	1452,	v. Com., 11 Bush, 610 1452,
	1459, 1460	1459, 1460
Harman, Com. v. 4 Barr,	309,	Harman, Com. v. 4 Barr, 309,
	1706	1706
State v. 78 N. C. 515	459, 506	State v. 78 N. C. 515 459, 506
v. Com., 12 S. & R. 69	570,	v. Com., 12 S. & R. 69 570,
	573, 1387	v. Harnam, 16 Ill. 85 1697
Harbor, R. v. 2 Ad. & El. 540	1706	Harbor, R. v. 2 Ad. & El. 540 1706
		Harbor, R. v. 2 Ad. & El. 540 1706
Harmon, Com. v. 2 Gray,	289	Harmon, Com. v. 2 Gray, 289 1651,
		1651
Harney, Com. v. 10 Met.	422	Harney, Com. v. 10 Met. 422 176,
		193, 196, 831
Harper, R. v. 4 Q. B. D.	78; 44 L.	Harper, R. v. 4 Q. B. D. 78; 44 L.
T. (N. S.) 615	681, 682	T. (N. S.) 615 681, 682
Harrell v. State, 13 Tex.	Ap. 374	Harrell v. State, 13 Tex. Ap. 374 641 a
		Harriden, People v. 1 Park, 344 1749,
		1751, 1754
Harrie, R. v. 6 C. & P. 106	1666	Harrie, R. v. 6 C. & P. 106 1666
Harries, U. S. v. 2 Bond,	311	Harries, U. S. v. 2 Bond, 311 223
		Harrigan, Com. v. 2 Allen, 159 835 a
Harriman, State v. 75 Me.	562	Harriman, State v. 75 Me. 562 872,
		1082 a
		Harring v. Watson, 1 Russ. on Cr.
		(5th ed.) 436 1432
Harrington, Com. v. 3 Pick.	26	Harrington, Com. v. 3 Pick. 26 173,
		1459
R. v. 10 Cox C. C. 370	479, 494	R. v. 10 Cox C. C. 370 479, 494
State v. 12 Nev. 125	491	State v. 12 Nev. 125 491
v. Miles, 11 Kan.	480	v. Miles, 11 Kan. 480 872
v. People 6 Barb.	608	v. People 6 Barb. 608
		621, 624
v. People, 45 Barb.	262	v. People, 45 Barb. 262 467
		v. State, 35 Ohio St. 79
Harris, Com. v. 13 Allen,	534	Harris, Com. v. 13 Allen, 534 1494,
		1515
Com. v. 101 Mass. 29	1410,	Com. v. 101 Mass. 29 1410,
		1411, 1412
Com. v. 131 Mass. 336	568	Com. v. 131 Mass. 336 568
People v. 29 Cal. 678	53, 1835	People v. 29 Cal. 678 53, 1835
R. v. 5 C. & P. 159	182, 645 a	R. v. 5 C. & P. 159 182, 645 a
R. v. 7 C. & P. 416	710, 729	R. v. 7 C. & P. 416 710, 729
R. v. 7 C. & P. 429	708, 715	R. v. 7 C. & P. 429 708, 715
		723, 736
R. v. 7 C. & P. 446	533	R. v. 7 C. & P. 446 533
R. v. 6 Cox C. C. 363	1023,	R. v. 6 Cox C. C. 363 1023,
		1024, 1032
R. v. 11 Cox C. C. 659	1470	R. v. 11 Cox C. C. 659 1470
R. v. 15 Cox C. C. 73	829	R. v. 15 Cox C. C. 73 829
R. v. 7 How. St. Tr.	925	R. v. 7 How. St. Tr. 925 1448
R. v. 2 Leach,	701; 2 East	R. v. 2 Leach, 701; 2 East
P. C. 498	791	P. C. 498 791

TABLE OF CASES.

SECTION		SECTION	
Harris, R. v. 1 Mood. C. C. (R. & M.) 393 ; 6 C. & P. 129		Hart, R. v. 6 C. & P. 106	878
653, 682, 683		R. v. 1 Mood. C. C. (R. & M.) 486 ; 7 C. & P. 632	657,
R. v. 1 Russ. Cr. 621	424		671
R. v. 4 T. R. 202	24, 26	R. v. R. & M. 486	657
State v. 27 Iowa, 429	1498 a	R. v. 1 W. Bl. 386	1641
State v. 36 Iowa, 136	1528 a	State v. 6 Jones (N. C.) 389	
State v. 38 Iowa, 242	1351		84, 88, 1835
State v. 5 Ired. 287	720	State v. 34 Me. 36	1413, 1418,
State v. 27 La. An. 572	517		1428, 1441
State v. 59 Mo. 550	477	U. S. v. 1 Peter's C. C. R.	
State v. 76 Mo. 361	380	390	17, 1550
State v. 63 N. C. 1	374, 631	v. State, 57 Ind. 102	883
v. Cooper, 31 Up. Can. (Q. B.) 182	1696	v. State, 14 Neb. 572	34, 45
v. People, 9 Barb. 664	682	v. State, 20 Ohio, 49	728
v. People, 44 Mich. 305	814	v. State, 14 Tex. Ap. 657	588
v. People, 64 N. Y. 148	1313,	Hartfiel, State v. 24 Wis. 60	88, 1507,
v. State, 33 Ala. 373	1316		1512 a
v. State, 53 Ga. 640	1465,	Hartigan, State v. 32 Vt. 607	188, 577
v. State, 58 Ga. 332	1774	Hartley, R. v. R. & R. 139	1613, 1614
v. State, 61 Miss. 304	819	R. v. 31 L. J. M. C. 232	27
v. State, 8 Tex. Ap. 90	106,	Hartmann, Com. v. 5 Barr, 60	1119,
	388		1126, 1346, 1348, 1351,
v. State, 15 Tex. Ap. 629	214		1352
v. Stevens, 31 Vt. 49	622	Hartnett, Com. v. 3 Gray, 450	981 c
Harrison's Case, 1 Leach, 180	664	Hartung v. People, 22 N. Y. 95	30
Com. v. 11 Mass. 63	267	S. C. 26 N. Y. 167 ; 28	
People v. 8 Barb. 560	696,	N. Y. 400	30
	697	Hartwell, Com. v. 128 Mass. 415	130,
R. v. 9 Cox C. C. 503	1325		338
R. v. 12 Cox C. C. 19	919	U. S. v. 12 Int. Rev.	
R. v. 1 East P. C. 382	1576	Rec. 72 ; 3 Cliff. 221	
State v. 30 La. An. Pt. II. 1329	582		223, 237
State v. 69 N. C. 143	743 a	U. S. v. 6 Wall. 395	28
v. Brooks, 20 Ga. 537	1412	Harty v. State, 3 Blackf. 386	237
v. Bush, 5 El. & Bl. 344	1636	Harvell, State v. 4 Jones (N. C.),	
		55	1313
v. Hodgson, 10 B. & C. 445	139, 634	Harvey, R. v. 8 Cox C. C. 99	1304
v. People, 50 N. Y. 518	923	R. v. 9 C. & P. 353	916, 956,
v. State, 24 Ala. 67	493,		958, 966
	500	R. v. 2 B. & C. 257 ; 3 D. & R. 464	122, 713, 743,
v. State, 2 Cold. 232	644		1595, 1612, 1648
v. State, 4 Cold. 105	1465 b	State v. 16 B. Mon. 1	1498 a
v. State, 10 Tex. Ap. 93	641	State v. 3 N. H. 65	76, 78,
v. State, 15 Tex. 239	1467 a		79, 80
Harrol v. State, 39 Miss. 702	242	U. S. v. 1 Brunf. 546	1822
Harrold, <i>ex parte</i> , 47 Cal. 129	1568	v. Com., 23 Grat. 941	869,
State v. 38 Mo. 496	813		871
Harsh, State v. 6 Blackf. 346	1486,	State v. 67 Ga. 639	836
	1584 a	v. State, 40 Ind. 516	158,
Hart, Com. v. 2 Brewst. 546	52		159, 160, 166
Com. v. 11 Cush. 130	1510	Harwood v. Green, 3 C. & P. 141	
Com. v. 6 J. J. Marsh. 119	1771,		1635, 1636
	1777	v. People, 26 N. Y. 190	1452
		Has, Com. v. 122 Mass. 40	84, 1431
		Hascall, State v. 6 N. H. 352	1218,
			1263, 1301, 1316, 1318
		Haskell, Com. v. 2 Brewst. 491	44
		Haskins v. People, 16 N. Y. 944	928, 930

TABLE OF CASES.

SECTION		SECTION
Haslam, R. v. 1 Den. C. C. 73		1372
	R. v. 2 Leach, 467	982
Haslip v. State, 10 Neb. 390		728 a
Hasner, State v. 55 Iowa, 494		1505
Hass, State v. 22 Iowa, 497		1498 a
Hassall, R. v. 2 C. & P. 434		77
Hassell, R. v. L. & C. 58 ; 8 Cox C. C. 491		1055
Hasting's Case, 39 Leg. Int. 140		1500 a
Hastings, R. v. 1 Moody, 82		1881
State v. 53 N. H. 452	713,	
		727
Haswell, R. v. R. & R. 458	58, 60, 63,	
	1672, 1676, 1677, 1678	
Hatcher, Com. v. 6 Grat. 667		1499
	v. State, 12 Lea, 368	1512 c
Hatchett v. Com., 75 Va. 925		237
Hately v. State, 15 Ga. 346		94 a,
		208, 221
Hatfield, Com. v. 107 Mass. 227	1288,	
	1290, 1310, 1323	
	v. Gano, 15 Iowa, 177	592
	R. v. 2 Russ. C. & M. 733	657
Hallabaugh, State v. 66 Ind. 223		641
Hattaway, State v. 2 N. & M. 118		1276
Hanghey, Com. v. 3 Metc. (Ky.) 223		1187
Hanghton, R. v. 5 C. & P. 559		1082 d
Hann, People v. 44 Cal. 96		377
Hause, State v. 71 N. C. 518	88, 1507	
Haven, R. v. 2 East P. C. 858		1357
	State v. 43 Iowa, 181	1763
Haye, State v. 58 N. H. 1		1521
Hawke v. State, 11 Neb. 557		40
Hawes, R. v. 2 Cox C. C. 432 ; 1 Den. C. C. 270		1701
Hawk, R. v. 3 C. & P. 394		397
Hawkeswood, R. v. 6 T. R. 606, n.	697	
Hawkins, Com. v. 11 Bush, 603		581
Com. v. 3 Gray, 463	50, 54	
R. v. 4 Cox C. C. 224		1027
R. v. 1 Den. C. C. 584;		
T. & M. 328		1050
R. v. 3 C. & P. 392		855
State v. 77 N. C. 494		635,
		1585, 1568
State v. 8 Porter, 461		883,
		899
v. People, 106 Ill. 628		28
v. State, 13 Ga. 322		1552,
		1553
Hawley, Com. v. 99 Mass. 433		609
People v. 3 Mich. 330		1505,
		1530
v. Butler, 54 Barb. 490		434,
		495
v. Com., 75 Va. 847		540
Haworth, R. v. 4 C. & P. 254		730
R. v. 1 Mood. C. C. 207		405
		719

SECTION

SECTION

TABLE OF CASES.

SECTION		SECTION
Haywood, R. v. 2 East P. C. 1076;		Heirn v. Bridault, 37 Miss. 209
R. & R. 16	1082 d	Held, State v. 41 Tex. 220
State v. 41 Ark. 479	871	Helfrich v. Com., 33 Penn. St. 68
Hayworth, State v. 3 Snead, 64	1836	1720, 1728, 1729
v. State, 14 Ind. 590	1080	Helle, State v. 2 Hill (S. C.), 290
Hazard, State v. 2 E. L. 474	997	1251,
Hazel's Case, 1 Leach, 368; 1 East		1270
P. C. 236	458	Helmes, State v. 5 Ired. 364
Hazelton, R. v. L. R. 2 C. C. 134;		1067,
13 Cox C. C. 1	1162	1082 c
Hazen v. Com., 23 Penn. St. 355	1343,	Hembree v. State, 52 Ga. 242
1345, 1348, 1357		1304
v. State, 18 Fla. 184	1465 a	Heming, R. v. 2 East P. C. 1116; 1
Hazle, State v. 20 Ark. 156	1469	Leach, 445, n.
Hazleton, Com. v. (New Bedford,		1664
Mass. 1873)	1432	Hemmaker v. State, 12 Mo. 453
Hazleton Co. v. Megargel, 4 Barr,		291
324	1618	Hemmer, U. S. v. 4 Mason, 105
Head, People v. 1 Idaho, N. S. 531	696	95,
R. v. 1 F. & F. 350	869	1876, 1880, 1881
State v. 3 R. I. 135	1508	Hemmings, R. v. 4 F. & F. 50
v. State, 70 Ga. 598	488	846,
Headge, R. v. 2 Leach, 1033; R. &		848, 857
R. 160	149, 917, 1039	Hemp, R. v. 5 C. & P. 468
Heading v. People, 29 Alb. L. J.	214	1316, 1327
	899	Hems, R. v. 7 C. & P. 312
Healey, State v. 48 Mo. 531	1027	415
Heane, R. v. 4 B. & S. 497; 9 Cox		Hench, R. v. R. & R. 163
C. C. 433	1259	888
Heard v. Heard, 8 Ga. 380	86	Henderson, People v. 1 Parker, C.
v. State, 9 Tex. Ap. 1	717	R. 560
Hearne v. Garten, 2 E. & E. 66	88, 89	830, 843
Hearsey, Com. v. 1 Mass. 137	134,	R. v. C. & M. 328; 2
	1116, 1126	Mood. C. C. 192
Heath, Com. v. 11 Gray, 303	35,	1135,
	46, 61	1185, 1225
R. v. 2 Mood. C. C. 33	879,	State v. 90 Ind. 406
	1027	1283
E. v. R. & R. 184	180, 1608	State v. 15 Mo. 486
v. State, 36 Ala. 273	652	650
Heather v. Pardon, 37 L. T. 593	1415	State v. 66 N. C. 627
Heaton, R. v. 3 F. & F. 819	1708	923
Heck, State v. 23 Minn. 549	88,	State v. 1 Rich. 179
	1507, 1512 a	1595,
Hedge, R. v. 2 East P. C. 590, n.	867	1658, 1659, 1660
R. v. R. & R. 160	1009	v. Broomhead, 4 H. &
Hedley, ex parte, 31 Cal. 108	1009,	N. 569
	1023, 1024, 1030,	1638, 1639
Heed, State v. 57 Mo. 252	1319	v. Com., 8 Grat. 708
Heeg v. Licht, 16 Hun. 257	1413	15 a,
Hefren v. Com., 4 Mete. (Ky.) 5	1775	18, 889, 1067, 1083,
Hefner, State v. 84 N. C. 751	1155	1085
Hegerty v. Shine, 12 Irish L. J.	100	v. State, 63 Ala. 193
	636	1432
Heikes v. Com., 26 Penn. St. 513	1508	v. State, 70 Ala. 23
Heilborn's Case, 1 Park, C. R. 429	669	820
Heine v. Com., 91 Penn. St. 145	1382,	v. State, 60 Ind. 296
	1389	1499
Heinrich, in re, 5 Blatch. 414	268	v. State, 14 Tex. 503
	720	680,
		696
		Hendon, R. v. 4 B. & Ad. 628
		93
		Hendrie, U. S. v. 2 Sawyer, 476
		1837
		Hendrick v. Com., 5 Leigh, 707
		266,
		699, 715
		Hendricks v. State, 26 Ind. 493
		1304,
		1319
		Hendrix v. State, 50 Ala. 148
		100
		Hendy, R. v. 4 Cox C. C. 243
		852,
		1665
		Henfield's Case, Whar. St. Tr. 49
		254, 256, 1908
		Henfree v. Bromley, 6 East, 309
		677
		Hemley, Com. v. 1 Va. Cas. 145
		891
		State v. 30 Mo. 509
		819
		Henline v. People, 81 Ill. 369
		1474
		Hennich, R. v. 13 Cox C. C. 547
		182
		Hennessey, People v. 15 Wend. 147
		28, 1021, 1023, 1029
		Henning, State v. 33 Ind. 189
		1559
		Henrie v. State, 41 Tex. 573
		393
		Henry, Com. v. 118 Mass. 460
		668,
		680, 682, 717

TABLE OF CASES.

SECTION		SECTION
Henry, Com. v. 22 Penn. St. 253	1151,	Hewett, State v. 31 Me. 396
	1186, 1187, 1190, 1193, 1197	1382,
R. v. 2 Mood. C. C. 118	852	1385
State v. 9 Ired. 463	765	Hewgill, R. v. Dears. 315; 24 Eng.
State v. 5 Jones (N. C.), 65	568	L. & Eq. 556
U. S. v. 4 Wash. C. C. 428	1881	1176, 1213, 1218
	981 c	Hewitt, ex parte, 3 Am. L. Rev. 382
v. State, 39 Ala. 679	182	1344
v. State, 18 Ohio, 32	696,	R. v. 5 Cox C. C. 162
v. State, 35 Ohio St. 128	740,	1366,
v. State, 45 Tex. 84	935	1367
Hensley, R. v. 2 Ken. 366; 1 Burr.	187, 1802, 1809	R. v. 4 F. & F. 1101
642		600
Henshall's Case, 2 Lew. C. C. 135	533	v. State, 25 Tex. 722
Henshaw, R. v. L. & C. 444; 9 Cox		1530
C. C. 472	1213, 1215	v. State, 15 Tex. Ap. 80
Hensler, R. v. 11 Cox C. C. 570	1153,	573
	1229	Hewson, U. S. v. 7 Bost. Law Rep.
		361; 1 Brunf. (U. S.) 532
		44,
		45, 309
Hexrie v. State, 41 Tex. 573		Hey, R. v. 2 C. & K. 983; T. & M.
		209; 1 Den. 602
		963, 964
		v. Com., 32 Grat. 946
		982 a
Heygood v. State, 59 Ala. 49		Heymann v. R. L. R. 8 Q. B. 102;
		12 Cox C. C. 383
		1341 a, 1347,
		1348, 1351, 1382
		Heyward, U. S. v. (Cir. Ct. Mass.
		1877)
		1831
Heywood, R. v. 2 C. & K. 352		Heywood, R. v. 2 C. & K. 352
		752
		U. S. v. Alb. L. J., June
		21, 1879
		1606
Hibbard v. People, 4 Mich. 125		Hibbard v. People, 4 Mich. 125
		v. Thompson, 109 Mass.
		286, 288
		363
Hibbert, R. v. 13 Cox C. C. 62;	13	Hibbert, R. v. 13 Cox C. C. 62;
		1366,
		Moak's Eng. R. 433
		1368
		R. v. L. R. 1 C. C. 184;
		11 Cox C. C. 246
		586, 1756
Hickey, Com. v. 126 Mass. 250		1513,
		1515, 1517
		Com. v. 2 Parsons, 317
		1241
		v. State, 53 Ala. 514
		1450
		v. State, 23 Ind. 21
		858
Hicklin, R. v. L. R. 3 Q. B. 360		Hicklin, R. v. L. R. 3 Q. B. 360
		88,
		1606, 1607, 1654
		Hickling, State v. 41 N. J. L. 209
		1376
Hickman, R. v. 5 C. & P. 151		Hickman, R. v. 5 C. & P. 151
		164, 523
		R. v. 1 Leach, 278
		835 a,
		852
		R. v. 1 Mood. C. C. 34
		179,
		580, 1663
Hicks v. Gore, 3 Mod. 84		1756
		v. People, 10 Mich. 395
		1752
		v. State, 60 Ga. 464
		1556
		v. State, 51 Ind. 407
		488
Higdon, State v. 32 Iowa, 262		1757,
		1759
		Higgins's Case, Dyer, 128
		317
		2 East, 5
		173, 179,
		186, 1343, 1560
		16 W. 351
		267

TABLE OF CASES.

	SECTION		SECTION
Higgins, Com. v. 16 Gray, 19	1498 a	Hill v. State, 43 Tex. 329	649
R. v. 4 C. & P. 247	1579	v. State, 5 Tex. Ap. 2	455
State v. 13 R. I. 330, 667	1498 a	v. State, 8 Tex. Ap. 142	470
v. People, 1 Hun, 307	564	v. State, 11 Tex. Ap. 455	377,
v. People, 69 Ill. 11	1499,		388
	1512 b	v. State, 1 Verg. 76	674, 702,
v. People, 58 N. Y. 377	566		1116, 1126
Higginson, R. v. 1 C. & K. 129	34, 46	Hillman, R. v. L. & C. 343; 9 Cox	
v. Simpson, L. R. 2 C.		C. C. 386	592
P. D. 76	1465 a	Hilmes v. Stroebel (Wiss. 1884),	
Higgs, R. v. 2 C. & K. 321	783	211 a, 616	
Higler v. People, 44 Mich. 299	1145	Hills, Com. v. 10 Cush. 530	983
Higley, R. v. 4 C. & P. 366	600	Hillman v. State, 68 Ga. 836	820
Hilary v. Gray, 6 C. & P. 248	1100	Hilt, <i>re</i> , 9 Abb. (N. C.) 484	1841 a
Hild v. State, 67 Ala. 39	762, 767	Hiltabiddle v. State, 35 Ohio St. 52	551
Hildebrand v. People, 56 N. Y. 394	963, 965	Hilton, R. v. 2 Lew. C. C. 214	160,
			337, 370
Hildreth, State v. 5 Ired. 440	211 a	State v. 26 Mo. 199	444, 649,
State v. 9 Ired. 429	362, 473		1680
Hiler, U. S. v. 1 Morris, 330	1749	State v. 3 Rich. 434	1699,
Hill, Com. v. 4 Allen, 589	1498 a		1700, 1782
Com. v. 11 Cush. 137	997	v. Eckersley, 6 El. & B. 47	1366
Com. v. 14 Gray, 24	1458, 1498 a	Hinch v. State, 2 Mo. 158	1276, 1304
Com. v. 11 Mass. 136	207,	Hinckley, State v. 4 Minn. 345	952
	655, 710	v. Emerson, 4 Cow. 351	872
ex parte, 5 Nev. 154	268	Hindman v. R. R., C. P. D. 168	1433
R. v. 1 Den. C. C. 453	79	Hinds, Com. v. 101 Mass. 211	695
R. v. 2 M. & R. 458	793	Hines, R. v. Whart. on Hom. § 131	336
R. v. 2 Moody, 30	119	v. State, 8 Humph. 597	393
R. v. R. & R. 190	1218,	Hing, State v. 16 Nev. 307	393
	1224, 1301	Himmap, U. S. v. 1 Bald. 292	715
R. v. 2 C. & K. 978	990	Hinson, State v. 31 Ark. 638	1556
R. v. 8 C. & P. 274	668, 713	v. State, 7 Mo. 244	1747, 1748
R. v. 2 Ld. Raym. 1415	1837	v. State, 82 N. C. 597	59, 182
R. v. 3 New. Sess. Cas. 648	79	Hintermeister v. State, 1 Iowa, 101	
R. v. 2 Str. 790	1606		1514
State v. 4 Dev. & B. 491	480,	Hinton, State v. 6 Ala. 864	1720,
	486, 486 a		1729, 1737
State v. 1 Houst. 420	880	v. State, 68 Ga. 322	1466
State v. 72 Me. 238	1174, 1180,	v. State, 24 Tex. 454	467, 468,
	1186		493, 506
State v. 69 Mo. 451	380, 388, 500	Hintz v. State, 58 Wis. 493	751, 752
State v. 72 N. C. 345	221	Hipes v. State, 73 Ind. 39	247, 1460 a,
State v. 79 N. C. 656	1070		1465 b, 1467
State v. 58 N. H. 475	600	Hipp v. State, 5 Blackf. 149	135, 247,
State v. 19 So. Car. 436	291, 929		1503
State v. 2 Speers, 150	1589	Hirsch, U. S. v. 100 U. S. 32	1373
State v. 30 Wis. 416	697	Hirschburg v. People, 6 Col. 145	30
v. Com., 2 Grat. 594	380, 392	Hirschfield, U. S. v. 13 Blatch. 330	
v. Com., 98 Penn. St. 192	833		1837, 1838 a
v. Eldridge, 126 Mass. 234	1512 d	v. State, 11 Tex. Ap.	
v. Spear, 50 N. H. 254	1529	207	1213
v. State, 37 Ark. 395	1518	Hirst v. Molesburg, L. R. 6 Q. B.	
v. State, 28 Ga. 604	221	130	1465 a
v. State, 53 Ga. 125	23 a, 68,	Hislop, People v. 77 N. Y. 331	25
	177, 199	Hiss v. Bartlett, 3 Gray, 468	1571
v. State, 53 Ga. 472	1557	Hitchens, State v. 2 Harring. 527	17,
v. State, 63 Ga. 578	119, 373,		677
	608 a	Hite v. State, 9 Verg. 198	883, 914,
			916, 926, 964

TABLE OF CASES.

	SECTION		SECTION
Hitesmann v. State, 48 Ind. 473	1287,	Holbrook, R. v. L. R. 3 Q. B. D.	
	1305	60; 4 Q. B. D. 42;	
Hittner v. State, 19 Ind. 48	486	14 Cox C. C. 185; 39	
Hitz, <i>ex parte</i> , 111 U. S. 766	1899	L. T. (N. S.) 536	1627,
Hix v. Whittemore, 4 Met. 545	63		1649
Hizer v. State, 12 Ind. 339	1848 b	State v. 34 Ark. 511	1686,
Hoag, People v. 2 Parker C. R. 36	1314		1700
		State v. 13 Johns. 90	878
Hoanna v. People, 86 Ill. 246	645 c	Holcomb, <i>ex parte</i> , 2 Dillon, 392	700
Hoare, R. v. 6 M. & S. 266	1111	v. Cornish, 8 Conn. 375	1431
R. v. 1 F. & F. 647	1019, 1055	Holden, R. v. R. & R. 154	149, 707,
Hoatson, R. v. 2 C. & K. 777	84		713, 743, 745
Hobbs, State v. 33 La. An. 226	537	State v. 48 Mo. 93	1304
Hobson, R. v. R. & R. 56	1040	Holder, Com. v. 9 Gray, 7	291, 930
v. State, 44 Ala. 390	1070,	State v. 81 N. C. 527	872
	1079	Holding, State v. 1 McCord, 31	1332
Hoch v. People, 3 Mich. 552	1283	Holford, State v. 2 Blackf. 103	1000
Hedges, People v. 27 Cal. 240	287	Holland, Com., 1 Duv. 182	283, 853,
			890
State v. 55 Md. 127	982, 988,	R. v. 2 Mood. & Rob. 351	
	999	157, 163, 164	
State v. Phill. (N. C.) 231	555	State v. 22 Ark. 242	1467 a
v. State, 15 Ga. 117	486, 486 a	v. State, 12 Fla. 117	106, 473
v. State, 5 Humph. 112	1618,	v. State, 60 Miss. 939	1667
v. State, 11 Lea, 528	1619	v. State, 14 Tex. Ap. 182	
Hodgkins, R. v. L. R. 1 C. C. 212	1244		1726, 1729
	State v. 19 Me. 155	Hollenback, State v. 36 Iowa, 112	597
Hodgkiss, R. v. L. R. 1 C. C. 212	1244,	Holley v. State, 14 Tex. Ap. 505	1518
	1244, 1267, 1269, 1270, 1328	Holiday, U. S. v. 3 Wall. 407	282 a
Hodgman v. People, 4 Denio, 235	28,	Hollingberry, R. v. 6 D. & R. 345;	
	1525	4 B. & C. 329	1376, 1379, 1385
Hodgson, R. v. 3 C. & P. 422	1030,	Hollingsworth v. State, 5 Sneed,	
	1048	518	1556 a
R. v. D. & B. 3; 36 Eng.		Hollis, R. v. 12 Cox C. C. 463	692,
L. & Eq. 626; 7 Cox			598, 599
C. C. 122	688, 694, 708,	R. v. L. R. 12 Q. B. D. 25;	
	713, 718	15 Cox C. C. 345; 49 L.	
R. v. 1 Leach, 7	214	T. (N. S.) 572	973
R. v. R. & R. 211	568	Hollister v. Com., 60 Penn. St. 103	
v. Scarlett, 1 B. & Al.			781, 783
232	1637	Hollon, State v. 22 Kan. 580	1671
Hodson v. Jebb, 3 Stark. (N. P.) 2		State v. 12 Lea, 482	1595, 1618
	1465 a	Holloway, R. v. 2 C. & K. 945	862,
Hoffman v. Com., 6 Rand. (Va.)	221		883, 886
685		R. v. 5 C. & P. 524	889
		R. v. 1 Den. C. C. 370	896
Hoftsinger v. States, 7 Tex. Ap.	227	R. v. 2 Den. C. C. 287	207
301		R. v. 1 Hawk. c. 31, s.	
Hogan, Com. v. 97 Mass. 122	1508	42	462
R. v. 1 Craw. & D. 366	925	v. Com., 11 Bush, 344	
R. v. 5 Eng. L. & Eq. 553;			486, 488
2 Den. 277; 5 Cox C. C.		Holly v. Mix, 3 Wend. 350	433
255	334, 1563, 1567	v. State, 54 Ala. 238	866, 868
U. S. v. 18 Fed. Rep. 529	1905	Hollyway, State v. 41 Iowa, 200	848,
v. State, 61 Ga. 43	641		1665
v. State, 46 Miss. 274	566	Holman, R. v. 9 Cox C. C. 201; L.	
v. State, 13 Tex. Ap. 319	119	& C. 177	1047
v. State, 30 Wis. 437	393, 543	State v. 3 McCord, 306	1082
Hoge v. Fisher, 1 Pet. C. C. 163	63	Hoggins, R. v. R. & R. 145	1011
Holt, State v. 3 Foster, 355	331	Holme, State v. 54 Mo. 153	115, 380,
			392, 459

TABLE OF CASES.

SECTION		SECTION	
Holmes's Case, Cro. Car. 376	830, 837	Hoover v. Com., 13 Grat. 736	835
Holmes, Com. v. 17 Mass. 336	1594,	v. Smith, 19 Vt. 659	439
1606, 1609		Hooper, Com. v. 104 Mass. 549	1180,
Com. v. 103 Mass. 440	598	1226, 1227	
Com. v. 119 Mass. 195	1498 a	State v. 82 N. C. 668	644
R. v. 12 Cox C. C. 137;		v. State, 56 Ind. 153	1513
L. R. 1 C. C. 334	568	Hoover, State v. 4 Dev. & Bat. 365	343
R. v. 20 Eng. L. & Eq.		v. State, 59 Ala. 57	84, 1754
597; 3 C. & K. 360	1427,	Hope, Com. v. 22 Pick. 1	819
1470		People v. 62 Cal. 291	180, 181
R. v. 12 Q. B. D. 23;	15	v. Conn. 9 Met. 134	962
Cox C. C. 343;	49 L.	Hopkins, Com. v. 2 Dana, 418	1430,
T. (N. S.) 540	288, 1206	1467	
State v. 54 Mo. 153	380	Com. v. 133 Mass. 381	1451
State v. 82 N. C. 607	1155	R. v. C. & M. 254	150, 586,
U. S. v. 1 Cliff. 98	40, 46	1756, 1759	
U. S. v. 1 Wall. Jr. 1	511,	State v. 4 Jones (N. C.),	
1869		305	1519
U. S. v. 5 Wheat. 412	260,	State v. 5 R. I. 53	1498 a
1862		State v. 56 Vt. 250	88
v. Com., 25 Penn. St. 221	237, 238	v. Com., 3 Met. 460	710,
v. Jennison, 14 Pet. 540	268,	720, 723	
284		v. Com., 50 Penn. St. 9	319
v. No East. R. Co., L. R.		v. Crombie, 4 N. H. 520	
4 Exch. 254	464	1426	
v. Sixsmith, 7 Exch. 802		v. People, 12 Wend. 76	1002
1465 a, 1467 a		v. Prescott, 4 C. B. 578	
v. State, 23 Ala. 17	365	1572 b	
v. State, 88 Ind. 145	88, 1507	Hopkinson v. Leeds, 78 Penn. St.	
Holroyd, R. v. 2 M. & R. 339	1081	396	1667
Holt, Com. v. 121 Mass. 61	1699, 1700,	v. People, 18 Ill. 264	641
1732		Hopley, R. v. 2 F. & F. 202	374, 632
R. v. 7 C. & P. 518	186, 317,	Hopper v. State, 19 Ark. 143	1742
318, 514		v. State, 54 Ga. 389	1760
R. v. 8 Cox C. C. 411	1184	Hopps v. People, 31 Ill. 385	44, 61
R. v. 5 T. R. 436	1650	Hopson, in re, 40 Barb. 34	267
v. State, 1 Baxter, 192	20	People v. 1 Denio, 574	648,
Homan, State v. 41 Tex. 155	1666	652, 1890	
Home, R. v. 1 Leach, 473	221	Hopt v. People, 104 U. S. 631	31, 52,
v. Bentinek, 2 B. & B. 130		144	
1629, 1634, 1635		v. People, 110 U. S. 547	144, 381
Homer, State v. 40 Me. 438	1450	Horan, State v. 25 Tex. (Suppl.)	
Homes, State v. 17 Mo. 379	884	271	1499, 1530
Honeyman, Penn. v. Addis. 148	377	Hore, R. v. 3 F. & F. 315	863, 885
Resp. v. 2 Dall. 288	529	Horn, People v. 62 Cal. 120	45
Hong Ah Duck, People v. 61 Cal.		R. v. 9 St. Tr. 276	1611
387	519	State v. 70 Mo. 466	293
Honig, State v. 78 Mo. 249	986	v. State, 6 Lea, 335	1557
Hood, R. v. 1 Mood. C. C. 281	422	Hornbeck v. State, 36 Ohio St. 277	
State v. 51 Me. 363	952	576 a	
v. Palm, 8 Barr, 237	1379	Hornbreak, State v. 15 Mo. 478	1499
v. State, 44 Ala. 81	1249	Hornby, R. v. 1 C. & K. 305	916,
v. State, 56 Ind. 263	88, 1722,	966	
1726, 1741		Horne, State v. 9 Kans. 119	493
Hook, R. v. 4 Cox C. C. 455	333	Horne Tooke, R. v. (Old Bailey,	
R. v. D. & B. 606; 8 Cox C.		1794)	1391
C. 6	1319	Horner, R. v. 2 East P. C. 703	864
Hooker, State v. 17 Vt. 658	439, 504,	R. v. 1 Leach, 325	964, 974
543, 650		State v. 48 Mo. 520	708, 762
		v. State, 49 Md. 277	1428

TABLE OF CASES.

SECTION		SECTION	
Hornibrook, U. S. v. 2 Dillon.	229	Howarth, R. v. 33 Up. Can. (Q.	
		B.) 537	1431
		R. v. 1 Mood. C. C. 207	
		418, 487, 498	
Hornsey, Vill. of R. v. 1 Roll. R.	406	Howe, Com. v. 13 Gray, 26	1458, 1530
		Com. v. 132 Mass. 250	1144,
		1184, 1215, 1221	
		People v. 2 N. Y. Sup. Ct.	
		N. S. 383	1052
		R. v. 7 C. & P. 268	1666 a
		R. v. 1 Leach, 481	1082 a
		R. v. 2 Leach, 541	1078
		Howel, R. v. 3 Keb. 510	1465 a
		Howell, R. v. 1 Ben. & H. Lead.	
		Cas. 65	871
		R. v. 7 C. & P. 325	967
		R. v. 9 C. & P. 437	152, 214,
		220, 1542	
		R. v. 4 F. & F. 160	1363
		State v. Ga. Decis. Part. i.	
		158	644
		State v. 9 Ired. 485	486
		v. Com., 5 Grat. 664	839
		v. Com., 26 Grat. 995	381, 384
		v. Jackson, 6 C. & P. 723	439,
		506, 625	
		v. State, 37 Tex. 591	696
		Howerton, State v. 58 Mo. 581	850
		State v. 59 Mo. 91	857
		Howlett, R. v. 7 C. & P. 274	196, 458
		R. v. 27 L. T. Jour. 153	1705
		v. State, 5 Yerg. 145	1467 a
		Howser v. State, 58 Ga. 78	808
		Hoxey, Com. v. 16 Mass. 385	17, 1535,
			1550
		Hoxie, U. S. v. 1 Paine, 265	1796
		Hoye v. Bush, 1 Man. & Gr. 775	422
		Hoyer, Com. v. 125 Mass. 209	1499,
			1501, 1504
		Hoyt v. State, 50 Ga. 313	1049, 1053,
			1063
		Hubbard, People v. 24 Wend. 369	439,
			501
		State v. 60 Iowa, 466	1512 a,
		1520 a	
		v. State, 11 Ind. 554	1516
		Hubbs, State v. 58 Ind. 415	644
		Hubby v. State, 8 Tex. Ap. 397	122,
			388
		U. S. v. 3 Sumn. 12	1512
		U. S. v. 3 Wash. C. C.	
		340	1863
		v. Sexton, 4 N. Y. 157	1280
		v. State, 6 Ind. 444	1498 a
		v. State, 67 Ind. 401	637
		v. State, 87 Ind. 68	1556
		v. Ingersoll, 17 Ala. 780	288
		v. State, 11 Ohio St. 328	574,
		v. State, 25 Ohio St. 399	858
		1749	
		State v. 59 Mo. 135	391, 486
		725	

TABLE OF CASES.

	SECTION		SECTION
Hudson, U. S. v. 7 Cranch,	32 253, 254, 256	Huling v. State, 17 Ohio St. 583	396, 938
v. MacRae, 4 B. & S. 585	89	Hull, R. v. Kel. 40	319, 351
v. State, 61 Ala. 333	831	State v. 34 Conn. 132	94 a, 139, 407, 635
v. State, 6 Tex. Ap. 555	455	v. Ruggles, 56 N. Y. 424	1491
Hudson County, State v. 3 Zab.	1473	v. State, 7 Tex. Ap. 693	1706
206; 4 Zab. 718	1473	v. State, 22 Wis. 580	550, 576, 576 a
Huey v. State, 31 Ala. 349	1520	U. S. v. 14 Fed. Rep. 324	1164 a
Huff, Com. v. 14 Grat. 648	1466	Hulse, People v. 3 Hill (N. Y.)	309 565
State v. 11 Nev. 17	537	Humpden v. People, 92 Ill. 400	1512 a
U. S. v. 4 Crim. Law Mag.	1876, 1877, 1881	Humpeler v. People, 92 Ill. 400	88
37		Humphrey, Com. v. 7 Mass. 242	850, 851
v. Bennett, 2 Sand. 703	1626	People v. 7 Johns. 314	1695
Hugget's Case, Kel. 59	444	People v. 1 Root, 63	792
Huggins, R. v. 2 Str. 882; 2 Ld.		v. Douglass, 10 Vt. 71	94
Raym. 1574 333, 355, 406		Humphreys, State v. 10 Humph.	442 696, 740
v. State, 41 Ala. 393 983, 999		v. State, 5 Mo. 205	641
Hughes, Com. v. 5 Allen, 499	1267	Humphries v. Cousins, L. R. 2 C.	P. D. 239 1433
Com. v. 11 Phila. 430	237, 238	Hundley, State v. 46 Mo. 414	61
People v. 29 Cal. 257	716, 830, 842	Hundsdon's Case, 2 East P. C. 611	871, 875
R. v. Bell C. C. 242	237	Hunnicut, State v. 34 Ark. 562	1003, 1030
R. v. 1 C. & K. 519	1261, 1317	Hunt, Com. v. 4 Cush. 49	1722
R. v. C. & M. 593	947	Com. v. 4 Met. 111	1366, 1367
R. v. 2 G. & P. 420	1082 d	R. v. 3 B. & Al. 566	1356, 1401, 1404, 1535
R. v. 4 C. & P. 373	1535, 1539, 1546, 1550	R. v. 8 C. & P. 642	1018, 1035
R. v. 5 C. & P. 126	144, 519	R. v. 2 Camp. 583	1663
R. v. 9 C. & P. 752	555	R. v. 1 Cox C. C. 177	636, 1551
R. v. D. & B. C. C. 248;		R. v. 8 Cox C. C. 495	1055
7 Cox C. C. 301	130, 131 a, 337, 369, 518	R. v. 1 Mood. C. C. 93	444, 497
R. v. 2 East P. C. 491	778	R. v. E. & M. 93	8, 435
R. v. 40 L. T. (N. S.),		R. v. 1 Russ. on Cr. 388	1535
685; 14 Cox C. C. 284	1258	State v. 29 Kan. 762	1509
R. v. 1 Mood. C. C. 370	1011	U. S. v. 2 Story, 120	1872
R. v. 1 Russ. on Cr. (4th		r. Bennett, 19 N. Y. 173	1636
ed.) 41; 2 Lew. C. C.		v. State, 3 Tex. Ap. 116	1556 a
229	79	Hunter, R. v. 4 C. & P. 128	730
State v. 58 Iowa, 165	1685	R. v. 10 Cox C. C. 642	1170
State v. 24 Mo. 147	1500 a, 1501	R. v. 2 Leach, 624	1666
State v. 76 Mo. 323	192	R. v. R. & R. 511	728
State v. 72 N. C. 25	1474, 1540	State v. 14 La. An. 71	1559
State v. 43 Tex. 518	1332	v. Com., 7 Grat. 641	761
State v. 22 W. Va. 743	292 a	v. Com., 79 Penn. St. 503	542
v. Com., 17 Grat. 565	949	v. Com., 2 S. & R. 238	1449, 1456
v. State, 12 Ala. 458	208, 238, 245, 522	v. State, 55 Ala. 76	1832 b
v. State, 1 Eng. (Ark.)		v. State, 1 Head, 160	1434
132	1677	v. State, 29 Ind. 80	820
Huidekoper v. Cotton, 3 Watts,		v. State, 40 N. J. L. 495	292, 540
56	1261		
Hulbert, Com. v. 12 Met. 446	1142, 1162, 1164, 1183, 1214, 1215, 1226,		
	1227		
Hulbut, People v. 4 Denio, 133	1520		

TABLE OF CASES.

	SECTION		SECTION
Hunter, v. State, 3 Tex. Ap.	116 1556	Hutchinson v. State, 36 Tex. 293	179, 1848, 1857, 1858
v. State, 6 Tex. Ap. 663	645 d	Hutchison, Com. v. 114 Mass.	325
v. U. S. 1 Penn. (Wis.) 91			1180
		1720	
Huntley, State v. 3 Ired.	418 15 a, 17,	Huting, State v. 21 Mo. 464	35, 63
	1553	Hutley v. Hutley, L. R. 8 Q. B.	
		112	1854
Hantzinger v. Com., 97 Penn.	St. 336	Hyams, R. v. 7 C. & P. 441	759, 767
		v. People, 25 Mich. 405	455, 489
Hurd, State v. 51 N. H.	176 830, 843	Hyde v. Hyde, 35 Law J. (Prob.)	
		57	1705
Hurell v. State, 5 Humph.	68	v. Middlesex, 2 Gray, 267	1474
Hurell, ex parte, 49 Cal.	557	Hyer, State v. 39 N. J. L. 598	593
Hurley, Com. v. 99 Mass. 433	616	Hyneman, Com. v. 101 Mass. 30	1431
State v. 54 Me. 562	1530 a		
v. People 8 Cal. 390	489		
Hurrell, R. v. 3 F. & F.	271	I.	
Hurst, State v. 11 W. Va. 54	1184, 1197, 1227	Ibbetson v. Peale, 3 H. & C. 644	1441
		Ides v. Hoare, 2 B. & B. 232	1251
Hurt v. State, 25 Miss. 378	542	Ihrig v. State, 40 Ind. 422	1518
State v. 7 Mo. 321	223	Hurtado, People v. 63 Cal. 288	459
Husted's Case, 1 Johns. Cas.	136	Husband, People v. 36 Mich. 306	884, 1037, 1060
	267	Hussey's Case, 5 Co. 129	80
Hussey, State v. 7 Iowa, 409	574	Hussey, State v. 7 Iowa, 409	574
v. Roundtree, Busbee (N.		v. Roundtree, Busbee (N.	
C.) 110	359	C.) 110	359
v. State, 69 Ga. 54	1523	v. State, 69 Ga. 54	1523
Husted's Case, 1 Johns. Cas.	136	Husted's Case, 1 Johns. Cas. 136	267
	267	Hustis, People v. 39 Hun. 58	1758
Huston, Penn. v. Addis, 334	1545	Houston, 1 Den. 404	682
Hutchins, R. v. Deac. C. L. 1517	1082 a	Hillidge, R. v. 1 Den. 3 Tex. 312	18, 1067, 1068
		Hilles v. Knight, 3 Tex. 312	
v. Blood, 25 Wend. 413	1284	III. Cent. R. R. v. Sutton, 53 Ill.	
v. Kimmell, 31 Mich.	126	397	623
v. People, 39 N. Y. 454	1697	Hott v. Wilkes, 3 B. & A. 904	507
		Inchbald v. Robinson, L. R. 4 Ch.	
v. State, 28 Ind. 34	1714	388	1412, 1432
v. State, 13 Ohio, 198	723	Incledon, R. v. 13 East, 164	1426,
Hutchinson, Com. v. 5 Clark (Pa.),	321		1487
	1442	Inder, R. v. 1 Den. C. C. 325	748
Com. v. 1 Mass. 7	730	Indermaur v. Danes, L. R. 1 C. P.	
Com. v. 2 Penn. L. J.		274	484
242; 2 Parsons,		Indianapolis v. Blythe, 2 Ind.	
384	960, 1133, 1136,	75	1423
	1187	Indianapolis R. R. v. Carr, 35 Ind.	
R. v. 9 Cox C. C. 555	163, 343, 344	510	164
		Ingalls v. State, 48 Wis. 647	53, 54
R. v. R. & R. 412	939	Ingram v. State, 67 Ala. 67	486
State v. 36 Me. 261	1720,	v. State, 71 Mo. 793	22
	1728	v. Watkins, 1 Dev. & Bat.	
U. S. v. Whart. Preo.		442	1299
205	960, 1027	Inness, State v. 53 Me. 536	1498 a, 1508
v. Com. 82 Penn. St.		v. Wylie, 1 C. & K. 257	
472	963, 1052, 1055,	609, 611	
	1057	Innis v. Campbell, 1 Rawle, 373	1691
v. Coombs, 1 Ware,		v. State, 51 Ala. 28	1465 b
65	1886	Insall v. State, 14 Tex. Ap. 145	977
v. State, 62 Ala. 3	182	Intoxicating liquors, Com. v. 105	
		Mass. 595 1520	
		Com. v. 107	
		Mass. 386	
		1528 a	
		Com. v. 116	
		Mass. 27	
		1498 a	
		State v. 68	
		Me. 524 1528 a	

TABLE OF CASES.

SECTION	
Ion, R. v. 2 Den. C. C. 475;	6 Cox C. C. 1 706, 752
Irby v. State, 32 Ga. 496	68, 479, 494
Irving v. State, 9 Tex. Ap. 53	567,
	576 a
Irwin, Com. v. 8 Phila. 380	1388
U. S. v. 5 McLean, 178	683
v. State, 19 Fla. 872	380
Isaac, R. v. 2 East P. C. 1031	830
Isaacs, Com. v. 5 Rand. (Va.) 634	1720, 1741
People v. 1 N. Y. Cr. 148	1660
R. v. L. & C. 220; 9 Cox C. C. 218	592, 596
v. State, 48 Miss. 234	1348,
	1382, 1400
v. State, 30 Tex. 450	899
Isbell v. State, 31 Tex. 138	543
Iseley v. State, 8 Blackf. 403	1467,
	1512
Ismahl, Com. v. 134 Mass. 201	1449
Ismenard's Case, 1 Cranch, 100	1465
Israel, Com. v. 4 Leigh, 675	649
Ivens, R. v. 7 C. & P. 213	1587
Ives, State v. 13 Ired. 338	986, 990 a,
	997
Ivey v. State, 12 Ala. 276	1771, 1774,
	1775
Ivins v. State, 36 N. J. L. 233	565

J.

Jackman v. State, 71 Ind. 149	319
Jacks, State v. 54 Ind. 412	1516
Jackson's Case, 1 Hale, 464	444
1 East P. C. 298	433
Jackson, Com. v. 11 Bush, 679	1696,
	1700
Com. v. 15 Gray, 187	316,
	390, 592
Com. v. 132 Mass. 16	1184
ex parte, 96 U. S. 727	1831
People v. 69 Ala. 249	850
People v. 8 Barb. 637	882
People v. 3 Denio, 101	1432,
	1450, 1465, 1466, 1494
People v. 3 Hill, 92	576
People v. 7 Mich. 432	1411,
	1473
People v. 3 Parker C. R.	
	391
R. v. 1 C. & K. 384	1030
R. v. 3 Camp. 370; 2	
East P. C. 940	1123, 1135,
	1162
R. v. 7 Cox C. C. 357	220,
	398
R. v. 9 Cox C. C. 505	967,
	1058

SECTION	
Jackson, R. v. R. & R. 487	561
R. v. 1 T. B. 653	85, 1572,
	1572 b
State v. 4 Blackf. 49	1510
State v. 39 Conn. 229	1213
State v. 1 Houst. 561	932
State v. 7 Ind. 270	1080
State v. 3 Jones (N. C.),	
	266
State v. 29 La. An. 354	1405
State v. 12 Ired. 329	1079
State v. 73 Me. 91	1858
State v. 82 N. C. 565	1342
State v. 36 Ohio St. 281	1262
State v. 7 S. Car. 283	1388
State v. 1 Speers, 13	1544
U. S. v. 4 Cranch C. C.	
	483
	18, 1067, 1070
State v. 73 Me. 91	1858
v. Humphrey, 1 Johns.	
	498
	1257, 1264, 1269
v. Jackson, 1 Johns. 424	
	1695
v. People, 2 Seam. 231	1697
	1700
v. Rose, 2 Va. Cas. 34	1275
v. State, 54 Ala. 234	1405
v. State, 1 Carter, 184	1244,
	1251
v. State, 45 Ga. 198	455
v. State, 51 Ga. 164	640
v. State, 1 Ind. 184	1251,
	1305
v. State, 14 Ind. 327	931
v. State, 65 N. C. 305	923
v. State, 76 N. C. 209	572,
	578
v. State, 11 Ohio St. 104	
	864, 867
v. State, 43 Tex. 421	1332
v. State, 15 Tex. Ap. 579	
	1287
v. State, 55 Wis. 589	799
v. Walker, 5 Hill (N. Y.),	
	27
v. Weisiger, 2 B. Monr.	
	214
	686
Jacobi v. State, 69 Ala. 71	1465 b
Jacobowsky v. People, 6 Hun, 524	
	1449
Jacobs, Com. v. 9 Allen, 274	182
Com. v. 1 Leg. Gaz. 491;	
	17 Pitts. L. J. 154
People v. 29 Cal. 579	644
People v. 35 Mich. 38	1155,
	1193
R. v. 12 Cox C. C. 161	965
R. v. R. & R. 331	579
v. Com., 2 Leigh, 709	85, 1571,
	1572 b, 1573, 1578

TABLE OF CASES.

SECTION	
Jacobs v. State, 61 Ala. 448	692, 1313
Jacobson, U. S. v. 1 Brunf. (U. S.)	
	410
	1897
	v. State, 55 Ala. 151
	1467 a
Jacobus, Com. v. 1 Leg. Gaz. 49	1431 c
Jaeger, State v. 63 Mo. 403	28, 578
Jailer, Com. v. 1 Grant (Penn.),	
	218
	1736
Jailer of Fayette County, U. S. v.	
Abb. U. S. 280	268, 406
Jake, State v. 1 Wins. (N. C.) No.	
	2, 80
	783, 789
Jakes v. State, 42 Ind. 473	1506
Jamarillo, People v. 57 Cal. 111	304
James's Case, 5 Cr. L. Mag. 221	293
James, Com. v. 1 Pick. 375	967
Com. v. 7 Watts, 366	95
R. v. 1 C. & K. 530	182, 183,
	606
R. v. 8 C. & P. 131	87
R. v. T. & M. 300; 3 C. &	
	K. 167
	1568, 1571
State v. 63 Mo. 70	247
State v. 58 N. H. 67	955
v. Com., 12 S. & R. 220	1442,
	1443
v. Harris, 35 I. T. 240	1459
v. State, 53 Ala. 380	849
James Wells, The, U. S. v. 7	
Cranch, 22	95
Jamison v. Burton, 43 Iowa, 282	88
v. State, 37 Ark. 445	1197,
	1221
Janes, R. v. 1 C. & K. 303	797
J'Anson v. Stuart, 1 T. R. 748	1442,
	1444, 1598
Janson, R. v. 4 Cox C. C. 82	964
State v. 22 Kan. 498	149
v. Brown, 1 Camp. 41	1082 d,
	1426
Jaques, State v. 68 Mo. 260	1510
Jarmian, R. v. 38 L. T. (N. S.) 460;	
	14 Cox C. C. 111
	1162, 1213
Jarnigan v. State, 6 Tex. Ap. 465	603
Jarrard, in re, 4 Ontario R. 278	668
Jarrett, People v. 35 Mo. 357	1520
Jarvis, R. v. 1 Burr. 148	1837
E. v. Dears. C. C. 552; 7	
	Cox C. C. 53
	1520
R. v. 3 F. & F. 108	1434
R. v. 2 M. & R. 40	120, 241,
	317, 645 a
R. v. 1 Mood. C. C. 7	799
State v. 63 N. C. 556	956, 963
Jasper, State v. 4 Dev. 323	17, 20, 1550
Jay, State v. 57 Iowa, 29	575
Jayne v. Price, 5 Taunt. 326	1104
J. B., State v. 1 Tyler, 269	1317
Jeanelle, Com. v. 2 Grant, 506; 3	
Phila. 509	20, 1431, 1431 c, 1556
	729
Jeans, R. v. 1 C. & K. 539	1082 d
Jeeley v. State, 8 Blackf. 403	1512
Jeff v. State, 39 Miss. 593	176
Jefferies, R. v. 3 Cox C. C. 85	213
Jeffers, U. S. v. 4 Cranch C. C. 704	1899
Jefferys v. Boosey, 4 H. L. C. 815,	
	936
Jeffreys v. Walter, 1 Wils. 220	1465 a
Jeffries, Com. v. 7 Allen, 549	1180,
	1215, 1227
v. State, 9 Tex. Ap. 59	51, 53
Jeffry v. State, 33 Ark. 136	1466
Jellias, R. v. 1 East P. C. 130	1808
Jellyman, R. v. 8 C. & P. 604	579
Jenkins, ex parte, 2 Wall. Jr. 521	268,
	981
R. v. 9 C. & P. 38	967
R. v. R. & R. 23	802
State v. 5 Jones (N. C.),	
	430
	783
State v. 6 Jones (N. C.),	
	19
	874, 875
State v. 32 Kan. 477	1505
State v. 36 Mo. 372	858
State v. 14 Rich. (S. C.)	
	215
	221, 398, 522
State v. 2 Tyler, 379	902, 909
v. Cook, L. R. 1 P. D. 80	
	1571
v. State, 53 Ga. 33	196, 829
v. State, 1 Tex. Ap. 346	557
Jenks, R. v. 2 Leach, 774; 2 East	
	P. C. 514
	820
v. Turpin, 13 Q. B. D. 505;	
	50 L. T. (N. S.) 808
	1465 b
Jenner v. A'Beckett, L. R. 7 Q. B.	
	11
	1640
Jenness, People v. 5 Mich. 305	1733,
	1751, 1752
Jennings's Case, 3 Grat. 624	1556
	2 Lew. C. C. 130
Jennings, Com. v. 3 Grat. 624	1556
	Com. v. 121 Mass. 47
	1528 a
R. v. D. & B. 447; 7 Cox	
	C. C. 397
	1027
State v. 24 Kan. 642	543
State v. 18 Mo. 435	377, 380
r. Com., 17 Pick. 80	1421,
	1449
	v. State, 7 Tex. Ap. 350
Jennison, R. v. 9 Cox C. C. 158;	455
L. & C. 157	1148, 1149, 1152, 1174
Jenson, R. v. 1 Mood. C. C. 434	1015
Jepson, R. v. 2 East P. C. 1115	1666 b
Jernagan, State v. N. C. Term R.	
	44
	917
Jerome, People v. 1 Mich. 142	1595
Jervis, R. v. 6 C. & P. 156	997

TABLE OF CASES.

SECTION
Jesse v. State, 20 Ga. 156 1247, 1248, 1249
v. State, 28 Miss. 100 829, 839
Jessop, R. v. 7 Cox C. C. 399; D. & B. 442 1162, 1188
Jester v. State, 14 Ark. 552 1465
Jett v. Com., 18 Grat. 933 266, 293
Jeune Eugenie, La. U. S. v. 2 Mason, 409 1892
Jhens v. People, 25 Mich. 500 843
Jilson, People v. 3 Park. C. C. 234 623
Jim, State v. 1 Dev. 142 573
v. State, 5 Humph. 145 381
v. State, 8 Humph. 603 1226
v. Territory, 1 Wash. Ter. 76 310
Joaquin, State v. 69 Me. 218 1332
Jobling, R. v. R. & R. 525 799
Jocko v. State, 22 Ala. 73 1432
Joeckel, State v. 44 Mo. 234 377
John, State v. 8 Ired. 330 50, 459
State v. 5 Jones (N. C.), 163 854
v. State, 23 Wis. 504 697
Johnes v. Potter, 5 S. & R. 519 1241
Johns, Com. v. 6 Gray, 274 1301, 1304, 1316
v. State, 19 Ind. 421 279, 280, 287, 288, 1397
v. State, 78 Ind. 332 1431 a
Johnson, Com. v. 10 Allen, 196 1691
Com. v. 4 Clark (Pa.), 398 1460 a
People v. 12 Johns. 292 1142
People v. 1 Parker, C. R. 564 986, 998
R. v. C. & M. 218 766, 770, 917
R. v. 2 Den. 310; 14 Eng. L. & Eq. 570 964, 974
R. v. 5 East, 660 494
R. v. 6 East, 583 280
R. v. 7 East, 65 279, 288, 1621
R. v. 2 East P. C. 488 759, 762
R. v. L. & C. 489 191, 192
R. v. L. & C. 632; 10 Cox C. C. 114 558, 577
R. v. 1 Lew. C. C. 164 155 a, 157
R. v. 50 L. T. (N. S.) 759 568
R. v. 3 M. & S. 539 876, 1047
R. v. 11 Mod. 62 119
R. v. 2 Show. 1 1244
State v. 12 Ala. 840 652
State v. 35 Ala. 363 641
State v. 38 Ark. 568 291, 929
State v. 41 Ark. 453 1510
State v. 2 Bay, 385 1573
State v. 7 Blackf. 49 1267
State v. 1 Chipm. 129 1129

TABLE OF CASES.

SECTION
Johnson, State v. 40 Conn. 136 55, 61, 389
State v. 41 Conn. 584 52, 54
State v. 3 Hill (S. C.), 1 931
State v. 69 Ind. 85 1742, 1748
State v. 19 Iowa, 230 844
State v. 48 Iowa, 370 1024
State v. 1 Ired. 354 476, 477
State v. 34 La. An. 49 819
State v. 35 La. An. 968 481
State v. 12 Minn. 476 1685, 1709, 1711, 1713
State v. 76 Mo. 121 416, 419, 486 a
State v. 67 N. C. 55 550, 573
State v. 75 N. C. 174 629
State v. 9 Nev. 175 641
State v. 2 Oreg. 115 291, 930
State v. 7 Oreg. 210 220, 317
State v. Phill. (N. C.) 140 855
State v. Phill. (N. C.) 186 765, 856
State v. 3 R. I. 94 1502, 1508
State v. 16 S. C. 187 1557
State v. 11 Tex. 22 644
State v. 1 Vroom. 185 575
State v. 28 Vt. 512 568
U. S. v. 19 Blatch. 257 1765
U. S. v. 2 Sawyer, 482 1836, 1837
v. Colam, 10 Q. B. 544 1082 d
v. Com., 5 Bush, 430 1009, 1030, 1063
v. Com., 24 Grat. 555 914
v. Com., 29 Grat. 796 811
v. Com., 24 Penn. St. 386 543
v. Hudson, 7 Ad. & El. 233 1626
v. Irasburgh, 47 Vt. 28 1431 c
v. Ogilby, 3 P. Wms. 277 1559
v. Patterson, 14 Conn. 1 501, 507
v. People, 4 Denio. 364 882
v. People, 83 Ill. 431 1503, 1512 a
v. People, 94 Ill. 505 1286
v. State, 17 Ala. 618 542, 543
v. State, 69 Ala. 229 628
v. State, 73 Ala. 483 941
v. State, 73 Ala. 523 883, 885
v. State, 36 Ark. 242 1192
v. State, 40 Ark. 453 1610
v. State, 9 Baxt. 279 1009
v. State, 2 Dutch. 313 1376, 1377, 1378
v. State, 5 Dutch. 453 641, 1344
Johnson v. State, 26 Ga. 611 606
v. State, 30 Ga. 426 648, 651
v. State, 48 Ga. 116 835
v. State, 61 Ga. 212 1005
v. State, 63 Ga. 141 806
v. State, 2 Humph. 283 631
v. State, 65 Ind. 204 843
v. State, Mar. & Yerg. 129 1579
v. State, 47 Miss. 671 928
v. State, 75 N. C. 174 494
v. State, 17 Ohio, 593 566
v. State, 26 Tex. 117 87, 419, 649
v. State, 27 Tex. 758 455
v. State, 30 Tex. 748 480
v. State, 36 Tex. 198 1466
v. State, 36 Tex. 376 871, 883, 899
v. State, 39 Tex. 393 979
v. State, 41 Tex. 65 1173, 1193
v. State, 41 Tex. 608 884
v. State, 43 Tex. 576 603, 645 d
v. State, 3 Tex Ap. 590 149
v. State, 5 Tex. Ap. 43 648
v. State, 7 Tex. Ap. 210 644, 645 d
v. Tompkins, Bald. 601 591
Johnston's Case, 5 Grat. 660 435
Johnston, R. v. 2 Mood. C. C. 254 1148
State v. 76 N. C. 209 146, 577
State v. 7 S. & M. 58 1466
State v. 11 Tex. 22 192
v. Com., 22 Penn. St. 102 1431 b, 1431 c
v. Com., 85 Penn. St. 54 765
Joice v. State, 53 Ga. 50 577
Joiner, State v. 4 Hawks, 350 600
Joliffe, R. v. 1 East, 154, n. 1858
Jones, Com. v. 2 Grat. 555 1741
Com. v. 1 Leigh, 610 52, 377, 384, 385, 389
Com. v. Phil. Leg. Int. Oct. 16, 1874; 10 Phila. 211 1832 a, 1847
People v. 53 Cal. 58 857, 858
People v. 46 Mich. 441 186
R. v. 2 C. & K. 236; 1 Den. 188 896, 916
R. v. C. & M. 611, 614 915, 971, 1708, 1709
R. v. 4 C. & P. 217 931
R. v. 7 C. & P. 833 1062 a
R. v. 8 C. & P. 287 1030, 1044
R. v. 9 C. & P. 258 196
R. v. 9 C. & P. 401 1571
R. v. 3 Camp. 230 97 a, 1474
Jones, R. v. 2 Cox C. C. 434; 2 C. & K. 398 1666 b
R. v. 3 Cox C. C. 442 533
R. v. 4 Cox C. C. 198; 1 Den. 551; T. & M. 270 279, 284, n., 288, 1153, 1205, 1206, 1207, 1620
R. v. 5 Cox C. C. 226 1666 c
R. v. 6 Cox C. C. 467 1174
R. v. 11 Cox C. C. 393 1881
R. v. 12 Cox C. C. 628 344
R. v. D. & B. 555 867
R. v. 2 East P. C. 991 713
R. v. J. Kel. 37 77
R. v. L. E. 2 C. C. 10; 4 L. T. (N. S.) 154 556, 557
R. v. 21 L. T. (N. S.) 396 1708
R. v. 48 L. T. (N. S.) 768; 11 Q. B. D. 118 1704
R. v. 50 L. T. (N. S.) 726; 15 Cox C. C. 475 1177, 1179
R. v. 2 Ld. Raym. 1013; 1 Salk. 379; 6 Mod. 105 1126
R. v. 1 Leach, 139; 2 East P. C. 718 852
R. v. 1 Leach, 174; 2 East P. C. 822 1117
R. v. 1 Leach, 204 700
R. v. 1 Leach, 537; 2 East P. C. 504 803, 1126
R. v. 2 Mood. C. C. 308 825
R. v. Peake, 37 1307
R. v. 31 St. Tr. 251 1572 a
R. v. 2 Str. 1146 26
State v. 2 Dev. & Bat. 544 922, 938, State v. Houst. C. R. 26 377, 388
State v. 10 Humph. 41 1569
State v. 18 Iowa, 269 1348
State v. 9 Ired. 38 1431
State v. 1 McM. 236 716, 727, 728 a, 737, 743 a
State v. 20 Mo. 58 393
State v. 53 Mo. 486 1556
State v. 61 Mo. 232 566
State v. 65 N. C. 395 923, 926
State v. 70 N. C. 75 1118, 1161
State v. 78 N. C. 420 1671
State v. 83 N. C. 605 553 a
State v. 50 N. H. 369 61
State v. 4 Tex. Ap. 436 380
State v. 33 Vt. 443 1080, 1082 d
U. S. v. 14 Blatch. 90 1267
U. S. v. 20 Blatch. 235 1831 a
U. S. v. 1 Wash. C. C. 363; 4 Dall. 412 1894, 1895

TABLE OF CASES.

SECTION	SECTION
Jones, U. S. v. 3 Wash. C. C. 209	28, 152, 164, 211 d, 214, 411, 847, 1863, 1864, 1867
U. S. v. 3 Wash. C. C. 220	94
v. Com., 17 Grat. 563	932
v. Com., 75 Penn. St. 403	47, 51, 52, 459, 502
v. Com., 1 Rob. Va. 748	591
v. Cook, L. R. 6 Q. B. 505	1441
v. Johnson, 5 Exch. 862 ; 7	Exch. 452
v. Jones, 71 Ill. 562	624
v. Jones, 45 Md. 159 ; 48	Md. 391 1700
v. People, 14 Ill. 196	1530
v. State, 13 Ala. 153	938
v. State, 51 Ala. 16	1557
v. State, 60 Ala. 99	648
v. State, 67 Ala. 84	1705
v. State, 5 Blackf. 141	79
v. State, 18 Fla. 869	818, 820
v. State, 29 Ga. 594	51, 52, 54,
v. State, 63 Ga. 395	831
v. State, 64 Ga. 697	211 a
v. State, 14 Ind. 346	985, 990
v. State, 35 Ind. 122	532, 534
v. State, 50 Ind. 473	1144
v. State, 59 Ind. 229	15 a, 1021
v. State, 64 Ind. 562	1398
v. State, 20 Minn. 58	481
v. State, 57 Miss. 684	114
v. State, 14 Mo. 409	414
v. State, 11 N. H. 269	810, 818
v. State, 5 Sneed, 346	716, 741
v. State, 13 Tex. 168	546
v. State, 3 Tex. Ap. 150	377
v. State, 5 Tex. Ap. 397	113
v. State, 8 Tex. Ap. 648	1214
v. State, 9 Tex. Ap. 178,	1082 d
v. State, 10 Tex. Ap. 552	550
v. State, 13 Tex. Ap. 168	61
v. Stevens, 11 Price, 235	648,
v. Williams, 11 M. & W.	1617
v. Williams, 11 M. & W.	176 1416, 1426
Jordan, R. v. 7 C. & P. 432	759, 775, 806
R. v. 9 C. & P. 118	69, 551, 555
R. v. 2 Keb. 634	75
State v. 34 La. An. 1219	1215
State v. 19 Mo. 213	644
State v. 75 N. C. 27	173
v. Com., 25 Grat. 943	848, 849
v. Elliott, 12 Weekly	Notes, 56 489
v. State, 22 Ga. 545	94 a, 542
v. State, 56 Ga. 92	237, 238, 522
v. State, 60 Ga. 656	1450
v. State, 34 La. An. 1219	1215

K.

Kaatz, People v. 3 Parker C. R. 129	908
Kahlmeyer, Com. v. 124 Mass. 322	
v. State, 13 Tex. 168	546
v. State, 3 Tex. Ap. 150	377
v. State, 5 Tex. Ap. 397	113
v. State, 8 Tex. Ap. 648	1214
v. State, 9 Tex. Ap. 178,	1082 d
v. State, 10 Tex. Ap. 552	550
v. State, 13 Tex. Ap. 168	61
v. Stevens, 11 Price, 235	648,
v. Williams, 11 M. & W.	1617
v. Williams, 11 M. & W.	176 1416, 1426
Jordan, R. v. 7 C. & P. 432	759, 775, 806
R. v. 9 C. & P. 118	69, 551, 555
R. v. 2 Keb. 634	75
State v. 34 La. An. 1219	1215
State v. 19 Mo. 213	644
State v. 75 N. C. 27	173
v. Com., 25 Grat. 943	848, 849
v. Elliott, 12 Weekly	Notes, 56 489
v. State, 22 Ga. 545	94 a, 542
v. State, 56 Ga. 92	237, 238, 522
v. State, 60 Ga. 656	1450
v. State, 34 La. An. 1219	1215

TABLE OF CASES.

SECTION	SECTION
Jordin v. Crump, 8 M. & W. 782	464, 507
Joseph, The, 8 Cranch, 451	96
Joseph v. State, 42 Ind. 370	1450
Josephdaffer v. State, 32 Ind. 402	1505
Josephine v. State, 39 Miss. 613	208, 238, 245, 522
Josephs, People v. 7 Cal. 129	377
Josselyn, People v. 39 Cal. 393	593
Jourdane, U. S. v. 4 Cranch C. C.	338
Journeay v. Gibson, 56 Penn. St.	1451, 1452
Joyner, R. v. J. Kel. 29	1076
State v. 81 N. C. 534	1512 b 1513
Juaracqui v. State, 28 Tex. 625	1286
Juarez v. State, 28 Cal. 380	899
Judd, Com. v. 2 Mass. 329	1349, 1396
R. v. 2 T. R. 255	826
v. Fargo, 107 Mass. 264	1474
Judge v. State, 58 Ala. 405	446, 455, 480, 484, 486 a, 493
Jukes, R. v. 8 T. R. 536	88
Justice, State v. 2 Dev. 199	1119, 1126
Justices v. Com., 2 Va. Ca. 171	1474
v. People, 90 N. Y. 121	956, 965
K.	
Kaatz, People v. 3 Parker C. R. 129	908
Kahlmeyer, Com. v. 124 Mass. 322	
v. State, 11 N. H. 269	810, 818
v. State, 5 Sneed, 346	716, 741
v. State, 13 Tex. 168	546
v. State, 3 Tex. Ap. 150	377
v. State, 5 Tex. Ap. 397	113
v. State, 8 Tex. Ap. 648	1214
v. State, 9 Tex. Ap. 178,	1082 d
v. State, 10 Tex. Ap. 552	550
v. State, 13 Tex. Ap. 168	61
v. Stevens, 11 Price, 235	648,
v. Williams, 11 M. & W.	1617
v. Williams, 11 M. & W.	176 1416, 1426
Jordan, R. v. 7 C. & P. 432	759, 775, 806
R. v. 9 C. & P. 118	69, 551, 555
R. v. 2 Keb. 634	75
State v. 34 La. An. 1219	1215
State v. 19 Mo. 213	644
State v. 75 N. C. 27	173
v. Com., 25 Grat. 943	848, 849
v. Elliott, 12 Weekly	Notes, 56 489
v. State, 22 Ga. 545	94 a, 542
v. State, 56 Ga. 92	237, 238, 522
v. State, 60 Ga. 656	1450
v. State, 34 La. An. 1219	1215
Keach, State v. 40 Vt. 113	1348
Kealey, R. v. 1 Eng. L. & Eq. 585 ;	
2 Den. 68	1171, 1211
Kean, R. v. 2 East P. C. 1073	1070
State v. 10 N. H. 347	1701
Kearley v. State, 26 Kan. 77	381
Kearney, ex parte, 7 Wheat. 38	268
Keates's Case, Comb. 408	473
Keator v. People, 32 Mich. 484	1315
Keel v. State, 28 Ark. 155	157
Keefe, Com. v. 7 Gray, 332	1499
U. S. v. 3 Mason, 475	1877, 1880
v. People, 49 N. Y. 348	394, 542
v. State, 19 Ark. 190	607
Keefer, People v. 18 Cal. 636	645 d
Keel, State v. 54 Mo. 182	839
Kealer, ex parte, Hemp. 306	268
State v. 80 N. C. 472	682
v. State, 15 Tex. Ap. 112	696
Keely v. State, 14 Ind. 36	899
Keen, U. S. v. 5 Mason, 453	649
Keena, R. v. 11 Cox C. C. 123 ; L.	
R. 1 C. C. 113	1013, 1044
Keenan, Com. v. 67 Penn. St. 203	1660, 1661
State v. 5 R. I. 497	1426, 1498 a
State v. 8 Rich. L. 456	1267, 1280
v. Com., 44 Penn. St. 55	51, 54, 380, 491
Keene, State v. 26 Me. 33	1252, 1267, 1271, 1272, 1296, 1297
State v. 50 Mo. 357	455, 489
U. S. v. 5 McLean, 509	1830
Keener v. State, 18 Ga. 194	500
Keeper of Prison, Com. v. 1 Ashm.	
140	1092, 1101
Keer v. Leeman, 9 Q. B. 395	31 b, 1559
Keesler, State v. 78 N. C. 469	1749
Keffer, Penn. v. Addis, 290	1571, 1583
Kegan, State v. 62 Iowa, 106	857
Kegg v. State, 10 Ohio, 75	677, 695
Kehoe v. Com., 85 Penn. St. 127	381, 392
Keighley, R. v. D. & B. 145 ; 7	
Cox C. C. 217	1155, 1160, 1225
Keiser, State v. 84 Ind. 229	1522
Keith, Cox C. C. 553 ; 29 Eng. L.	
& Eq. 558	677, 681
R. v. Dears, C. C. 454 ; 6	
State v. 63 N. C. 140	28
v. State, 90 Ind. 73	1466
v. Tuttle, 28 Me. 326	24
Keithler v. State, 10 Sm. & M. 192	
	230, 233, 237
Kelleher, R. v. 14 Cox C. C. 48	1167, 1227
v. State, 40 Tex. 29	884
Kazinski, U. S. v. 2 Sprague, 7 ; 8	
Bost. L. Rep. 254	1904
Kellenbeck v. State, 10 Md. 431	839
Keller, R. v. 2 Show. 289	634
Keller, U. S. v. 19 Fed. Rep. 633	126, 352
v. State, 51 Ind. 111	1173, 1223
v. State, 11 Md. 525	24
Kelley, People v. 6 Cal. 210	312, 537
R. v. R. & R. 421	217
State v. 47 Vt. 294	1505
v. People, 55 N. Y. 566	1398
v. State, 53 Ind. 311	157, 159
Kellogg, Com. v. 7 Cush. 473	1403
v. State, 26 Ohio St. 15	965
Kelly, Com. v. 10 Cush. 69	31, 1500
Com. v. 12 Gray, 175	1498 a, 1517
ex parte, 37 Ala. 474	268
People v. 38 Cal. 145	266, 293, 1275
People v. 59 Cal. 372	1304
R. v. 2 C. & K. 379	207, 217
R. v. 2 C. & K. 814	459
R. v. 2 Cox C. C. 171	218
R. v. 1 Cr. & Dix, 203	1678
R. v. 1 Mood. C. C. 113	519
R. v. R. & R. 421	219
R. v. 6 Up. Can. (C. P.) 372	1535
State v. 76 Me. 331	292
U. S. v. 11 Wheat. 417 ; 4	
Wash. C. C. 528	1876, 1878, 1880
v. Com., 1 Grant, 484	52, 179, 187, 377, 381, 387
v. Com., 11 S. & R. 345	121, 1473, 1474
v. Partington, 4 B. & Ad.	
700 ; 2 N. & M. 460	1631
v. State, 72 Ala. 244	820
v. State, 3 Sm. & M. 518	50, 52, 54
v. Tinling, L. R. 1 Q. B. 699	1632, 1640
Kelsey v. State, 62 Ga. 558	641
Kemp v. State, 11 Humph. 320	916, 926
v. State, 87 N. C. 538	1733
Kendall, Com. v. 12 Cush. 414	1530
Com. v. 113 Mass. 210	568
People v. 25 Wend. 399	71, 1135
R. v. 12 Cox C. C. 598	964
v. Field, 14 Me. 30	681
v. State, 65 Ala. 492	543
v. State, 8 Tax. Ap. 569	500
Kendrick, U. S. v. 2 Mason, 69	1270
v. State, 55 Miss. 436	488
Keneston, State v. 59 N. H. 36	220, 714
Keniston v. Rowe, 16 Me. 38	1744, 1763

TABLE OF CASES.

	SECTION
Kennard, Com. v. 8 Pick. 133	100,
	501, 624
Kenneally, U. S. v. 5 Biass. 122	722
Kennedy, Com. v. 97 Mass. 224	1508,
	1520
Com. v. 108 Mass. 272	1500
Com. v. 119 Mass. 211	1502,
	1509
State v. (Iowa, 1884)	1382
State v. 20 Iowa, 569	500
State v. 7 Nev. 374	486 a
v. Com., 14 Bush. 340	488
v. Gad, 3 C. & P. 376	1465 a
v. People, 39 N. Y. 245	393,
	543
v. State, 6 Ind. 485	543
Kennerly, State v. 10 Rich. 152	1304
Kennett, R. v. 5 C. & P. 282	1584
Kenny, R. v. 36 L. T. (N. S.) 36;	
L. R. 2 Q. B. D. 307;	
13 Cox C. C. 398	918,
	982 a, 992
v. People, 31 N. Y. 320	50, 51
Kenrick, R. v. 5 Q. B. 49; Dav. &	
M. 208	1161, 1180, 1198, 1341 a,
	1347, 1348, 1349, 1371,
	1386, 1388, 1391, 1407
Kensey, Com. v. 5 Penn. L. J. 119	
	1100, 1104, 1105, 1108
Kent, Com. v. 6 Metc. 221	750
State v. 22 Minn. 41	922, 1018,
	1033, 1054
State v. 65 N. C. 311	30
Kenyon v. People, 26 N. Y. 203; 5	
Parker C. R. 254	1757, 1758
Kern v. State, 7 Ohio St. 411	1499
Kernan v. State, 11 Ind. 471	649
Kerr, Penna. & Add. 324	634
R. v. 8 C. & P. 176	905
v. People, 42 R. I. 307	1287
Kerrigan, R. v. L. & C. 383; 9 Cox	
C. C. 441	1159, 1171
Kessal, R. v. 1 C. & P. 437	474, 480
Kessler, U. S. v. 1 Baldwin, 20	270,
	1862
v. Com., 12 Bush, 18	270, 569
Ketalta's Case, Jour. Assembly of	
N. Y. 1795	1613
Ketner, Com. v. 92 Penn. St. 372	267
Kew, R. v. 12 Cox C. C. 355	147, 163,
	165
Keyes, State v. 8 Vt. 67	173, 1332,
	1333
Keyn, R. v. 13 Cox C. C. 403	269
Kiba v. People, 81 Ill. 599	962 b,
	1009, 1030
Kidder, Com. v. 107 Mass. 188	1412,
	1424, 1440, 1441
v. Norris, 18 N. H. 532	1500
v. State, 58 Ind. 68	1556

TABLE OF CASES.

	SECTION
King v. State, 58 Miss. 737	1506
v. State, 4 Tex. Ap. 256	380
v. State, 9 Tex. Ap. 515	61
v. State, 13 Tex. Ap. 571	487,
	493, 499
King of the Two Sicilies v. Willcox,	
14 Jur. 751	91
Kingen v. State, 45 Ind. 518	484
Kingsbury, Com. v. 5 Mass. 106	173,
	1344, 1346
Kingsley, State v. 39 Iowa, 439	1763
Kingman, Com. v. 14 Gray	1502
Kinnealy, see Kenneally.	
Kinnear, R. v. 2 M. & Rob. 117	682
Kinnersley, R. v. 1 Strange, 196	173,
	1378, 1382, 1388
R. v. 1 W. Bl. 294	1595
Kinney, Com. v. 30 Grat. 658	1754
Com. v. 2 Va. Cas. 139	1550
ex parte, 3 Hughes, 9	1754
State v. 44 Conn. 153	566
v. People, 108 Ill. 519	485,
	492
Kinnier v. Kinnier, 45 N. Y. 535	1695
Kinsley, Com. v. 108 Mass. 24	1516,
	1528 a
Kinsman v. State, 77 Ind. 132	1082 d
Kingston, State v. 5 R. I. 497	1498 a
Kippart v. State, 42 Ind. 273	1537,
	1544
Kipps, R. v. 4 Cox C. C. 167	586, 1756,
	1759
Kirby, Com. v. 2 Cush. 577	87, 419,
	649, 650
State v. 57 Me. 30	600
State v. 1 Murph. 254	19, 1432,
	1605
U. S. v. 7 Wall. 482	645
v. State, 1 Ohio St. 185	727
Kirchener, R. v. L. R. 2 C. C. 88;	
12 Cox C. C. 522	1473
Kirk, Com. v. 14 B. Mon. 1	1848 b
State v. 10 Oreg. 505	221
Kirkham, State v. 1 Ired. 384	1519
Kirkpatrick, State v. 32 Ark. 117	266,
	1275
Kirksey v. Fike, 29 Ala. 206	921
Kirkwood, R. v. 1 Mood. C. C. 304	217, 665, 675
v. Autenreith, 11 Mo.	
	Ap. 515
Kirland v. State, 43 Ind. 146	167, 609,
	617
Kirtley v. State, 38 Ark. 543	1214
Kiser v. Woods, 60 Ind. 538	291
Kistler v. State, 54 Ind. 400	1664, 1665
Kit v. State, 11 Humph. 167	847, 857
Kite v. Com., 11 Met. 581	819
Kitsos, R. v. Dears. C. C. 187	843
Kittery, State v. 5 Greenl. 254	93

	SECTION
Kivok-a-Sing, Atty.-Gen. v. L. R.	
5 P. C. 180	1860
Klare v. State, 43 Ind. 483	1505
Klein's Case, 13 Wall. 138	1801
Klein v. People, 31 N. Y. 229	236
v. State, 76 Ind. 333	1516
Klinger, State v. 43 Mo. 127	61
Klinton, U. S. v. 5 Wheat. 144	1862
Knapp, Com. v. 9 Pick. 496	213, 218
Com. v. 10 Pick. 484	237, 244
People v. 26 Mich. 112	214,
	220, 229, 398, 541
People v. 42 Mich. 267	1735
State v. 45 N. H. 148	555, 557,
	566, 568
Kneas v. Fitler, 2 S. & R. 263	439
Kneeland, Com. v. 20 Pick. 206	1218,
	1594, 1605
v. State, 62 Ga. 395	1465 b
Knickerbocker v. People, 43 N. Y.	
177	813
Knight's Case, 1 Lew. C. C. 168	355
Knight, Com. v. 12 Mass. 274	1251,
	1255, 1257, 1269, 1276, 1299,
	1304
R. v. 1 C. & P. 116	78
R. v. 12 Cox C. C. 102	902, 910
R. v. 2 East P. C. 510	810, 821
R. v. L. & C. 378; 9 Cox	
C. C. 437	931
State v. 2 Hayw. 109	272
State v. 1 Taylor (N. Car.),	
65	280, 287
v. State, 84 Ind. 73	645 a
v. State, 84 N. C. 789	1290
Knights, R. v. 2 F. & F. 46	359
Knock, R. v. 14 Cox C. C. 1	485
Knott, Com. v. 5 R. I. 293	1520
Knouse, State v. 39 Iowa, 118	517
Knowles, State v. 57 Iowa, 669	1506
U. S. v. 4 Sawyer, 517	156,
	329, 337, 358, 374
v. State 3 Day's Cas. 103	
	1432, 1606
Knox, Com. v. 6 Mass. 76	95, 1431 c
State v. Phill. (N. C.) 312	89,
	1246
Knoxville, State v. 12 Lea, 146	95,
	1416
Koch's Case, 5 Rawle, 338	31
Koch, State v. 4 Harring. 570	947
v. State, 32 Ohio St. 353	1521
Koenig v. Ritchie, 3 F. & F. 413	1641 a
Kohn, R. v. 4 F. & F. 68	1397
Kopke v. People, 43 Mich. 41	1689,
	1700
Kopper Smith v. State, 51 Ala. 6	1448
Koser, ex parte, 60 Cal. 177	1430
Kosloff, Com. v. 5 S. & R. 545	255,
	1899

TABLE OF CASES.

SECTION		SECTION	
Kotowsky v. State, 74 Mo. 247	35, 388	Laffer, State v. 38 Iowa, 422	1505, 1507
Kouns v. State, 3 Tex. Ap. 12	645 d	Lafferty, Com. v. 6 Grat. 672	1506,
Kozta Case, Woolsey, § 81	275		1720
Kraus, <i>ex parte</i> , 1 B. & C. 261;		Lafontaine, U. S. v. 4 Cr. C. C. 173	
Russ. Cr. 535	280, 434		282, 282 a
Krause v. Com., 93 Penn. St. 418		Lafrier's Case, 1 Leach, 320	923
	963, 1055	Lagan v. State, 53 Ind. 162	1505
Kreidler v. State, 24 Ohio St. 22	1838 b	Lake v. King, 1 Saund. 131	1639
Krieg, State r. 13 Iowa, 462	1498 a	v. People, 1 Parker C. R. 495	63
Krips v. People, 82 Ill. 425	1053	Lakeman, Com. v. 4 Cush. 597	621
Krider, State v. 78 N. C. 481	869	Com. v. 5 Gray, 82	1001
Krieger, State v. 68 Mo. 98	951, 990 b	Lakey, State v. 65 Mo. 217	537
Kriel v. Com., 5 Bush, 362	45, 61	Lallement, R. v. 6 Cox C. C. 204	176,
Kring v. Missouri, 107 U. S. 221	30,		182, 186, 318
	541	Lamarande's Case, 10 Low. Can.	
Kroeger, State v. 47 Mo. 552	671, 672	R. 780	667
Krummer, People v. 4 Park. C. R.		Lamb, People v. 54 Barb. 342	493
217	693	People v. 2 Keyes, 360	489
Krutzon v. State, 14 Tex. Ap. 570	914	v. People, 96 Ill. 73	214, 220
Kube, State v. 20 Wis. 217	1139, 1221	State v. 65 N. C. 429	682
Kuckler v. People, 5 Parker C. R.		R. v. 2 East P. C. 665	903
212	30	Lambert, Com. v. 12 Allen, 177	1449,
Kuhleman v. State, 5 Mo. Ap. 587	1545		1452, 1747
Kuhn, Com. v. 1 Crumrine (Pitts-		Com. v. 9 Leigh, 603	1773,
burgh), 13	349		1774 a
State v. 24 La. An. 474	1510	R. v. 2 Cox C. C. 309	1030
Kuhuke, State r. 26 Kan. 905	1500	v. People, 6 Abb. New	
Kunkle v. State, 32 Ind. 220	182, 189,	Cas. 181; 76 N. Y.	
	501, 606, 642	220 1246, 1257, 1263, 1302	
Kunzman, Com. v. 41 Penn. St. 429		v. People, 9 Cow. 578; 7	
	276, 1264, 1804	Cow. 167 1116, 1348, 1350	
Kurz v. State, 79 Ind. 488	1505	Lamberton v. State, 11 Ohio, 282	650
Kwok-a-Sing, Atty.-Gen. v. L. R.		Lamberton v. People, 5 Parker C.	
5 P. C. 179	292	R. 200	580
Kyle v. State, 19 Ala. 236	1671, 1672	Lambeth, State v. 23 Miss. 322	500
		State v. 80 N. C. 393	1155,
			1219
L.		Lambkin, v. State, 12 Tex. Ap.	
Labadie, R. v. 32 Up. Can. Q. B.		341	1535
429	835	Lambri's Case, 67 London Law T.	
Labbate v. State, 6 Tex. Ap. 554	728 a	1	1649
La Bore, State v. 26 Vt. 765	1714	Lamden, v. State, 5 Humph. 83	1257,
Labouchere, R. v. 14 Cox C. C. 419	1646		1262, 1269
R. v. 15 Cox C. C. 415;		Lamont, State v. 2 Wis. 437	1292
50 L. T. (N. S.) 181	1595, 1599	Lamphier v. Philpot, 8 C. & P.	
		475	364
Lacefield v. State, 31 Ark. 275	107,	v. State, 70 Ind. 317	918
120, 317, 641, 642, 645 a		Lamsden, State v. 89 N. C. 572	1491
La Coste, U. S. r. 2 Mason, 129	1891	Lanahan v. Birge, 36 Conn. 438	267
Lacy v. State, 45 Ala. 80	566	v. Com., 84 Penn. St. 80	381
v. State, 7 Tex. Ap. 403	497	Lancashire, R. v. 2 B. & Ad. 813	93
v. State, 15 Wis. 13	829	Lancaster, U. S. v. 7 Biss. 440	61
Lad. R. v. 1 Leach, 38; 1 C. & M.		U. S. v. 2 McLean, 431	256,
345	534, 536		1829
Ladd, Com. v. 15 Mass. 526	653, 677,	v. State, 53 Ala. 398	1556 a
	682, 713, 740, 745	v. State, 9 Tex. Ap. 598	53
State v. 15 Mo. 430	1516	Lancaster Co. v. Rogers, 2 Barr,	
State v. 32 N. H. 110	1221	114	1426, 1476
v. State, 17 Fla. 215	1221, 1227	Landberg, U. S. v. 21 Blatch. 163	1276
	786	Lander v. People, 104 Ill. 248	987

TABLE OF CASES.

SECTION		SECTION	
Lander v. State, 12 Tex. 482	493	Lara, R. v. 6 T. R. 565	1123, 1126, 1211
Landin v. State, 10 Tex. Ap. 63	884	Larkin, R. v. 26 Eng. L. & Eq.	
Landis, Com. v. 8 Phila. 453	1606,	672; Dears. 365; 6 Cox	
	1707	C. C. 377	999
Landringham v. State, 49 Ind. 186	1343, 1382, 1400	State v. 49 N. H. 39	208, 238
Lane, Com. v. 113 Mass. 458	1711	v. People, 61 Barb. 226	1040,
State v. 4 Ired. 113	59, 476, 477	1058, 1059, 1061	
State v. 33 Me. 536	1499	Larned, People v. 3 Selden, 445	811,
State v. 80 N. C. 407	682		813
v. Com. 59 Penn. St. 371	385,	v. Com., 12 Met. 240	818, 820,
	543		952
v. People, 5 Gilman, 305	902,	Larner, Com. v. 14 Cox C. C. 497	1175
	909	Laros v. Com., 84 Penn. St. 200	59, 61,
Lanergan v. People, 50 Barb. 266	117		64, 65, 121, 392
v. People, 39 N. Y. 39	526	Larrimore, State v. 19 Mo. 391	1506,
Lang, State v. 68 Me. 25	1498 a		1506 b
v. State, 11 Fla. 295	915	Lash, State v. 1 Harr. (N. J.) 380	
Langdale v. State, 100 Ill. 263	695, 731	1700, 1720	
Langdon, R. v. R. & R. 228	487	Lashley, State v. 84 N. C. 754	1742,
v. Potter, 3 Mass. 215	1085,		1848
	1100, 1104	Lasington's Case, Cro. Eliz. 750	223
Laney, State v. 87 N. C. 535	1083	Lassiter v. State, 67 Ga. 739	806
Lange, <i>ex parte</i> , 18 Wash. 163	268,	Lasure v. State, 19 Ohio St. 43	935
	1785	Latham, State v. 13 Ired. 33	872, 1070,
v. Benedict, 73 N. Y. 12	1571		1076
v. State, 96 Ind. 114	606	v. R. 9 Cox C. C. 516	1348
Langford, R. v. C. & M. 602	85 a,	Lathrop, State v. 15 Vt. 279	1223
	1072 a	v. Amherst Bk., 9 Met.	
State v. 1 Dev. 253	783	489	1854
State v. 3 Hawks, 381	1080,	U. S. v. 17 Johns. 4	1899
	1546	Lathrop v. State, 51 Ind. 192:	50
v. State, 8 Tex. 115	932,	Ind. 555	1503, 1505
	938	Lattin, State v. 29 Conn. 389	555 565
v. State, 9 Tex. Ap. 283	1300	Lattinville, Com. v. 120 Mass. 385	88,
			1507
Langley, Com. v. 14 Gray, 21	1498 a	Laughlin, v. State, 18 Ohio, 599	566
R. v. 2 Id. Raym. 1029	1768	Laura v. State, 26 Miss. 174	1344
R. v. 6 Mod. 125	1603	Laurence, R. v. 12 Mod. 311	1611
State v. 34 N. H. 529	1289,	La Vaal v. State, 40 Ala. 44	291
	1294	Lavalley, State v. 9 Mo. 824	1258,
			1267, 1272
Langmead, R. v. L. & C. 427	985, 989	Lavender, R. v. 2 Russ. on Cr.	
Langrish v. Archer, 10 Q. B. D.		201; 2 East P. C. 562	956
44	1465	v. State, 60 Ala. 60	940
Langstaffe's Case, 1 Lew. C. C. 162	462	Lavery, Com. v. 101 Mass. 207	952
Langtry v. State, 30 Ala. 536	1700	Lavey, R. v. 3 C. & K. 26	1284
Lanham v. State, 7 Tex. Ap. 126	377	v. 1 Leach, 154	750
Lanier, State v. 71 N. C. 288	1552	Lavinia v. State, 63 Ga. 513	288, 591
State v. 89 N. C. 517	1009,	Lavousair, Com. v. 132 Mass. 1	
	1043, 1044		1450, 1452
Lannan, Com. v. 1 Allen, 590	1215,	Law, E. v. 2 F. & F. 836	35
	1227	v. Com., 75 Va. 885	69, 211 b
Lannock v. Brown, 2 B. & A. 952	439	Lawes, R. v. 1 C. & K. 62	820
Lansing v. People, 57 Ill. 241	1838 b	v. Smith, 8 Cow. 146	1412
v. Smith, 8 Cow. 146	1412	Lawless, Com. v. 101 Mass. 32	682
Lantz v. Frey, 14 Penn. St. 201	359	Com. v. 103 Mass. 425	185,
Lapier, R. v. 1 Leach, 320	849, 850,		186, 888, 958
	855	v. State, 4 Lea, 179	61
Lapsley v. Grierson, 1 H. L. Gas.		Lawrason v. Paul, 11 Up. Can. (Q. B.) 537	1412
498		1706	

TABLE OF CASES.

SECTION		SECTION	
Lawrence, R. v. 4 Cox C. C. 438	149,	Ledger, R. v. 2 F. & F. 857	160, 337
	917	Lee, Com. v. 1 Brewst. 273	1846
State v. 57 Me. 574	35, 41,	People v. 1 Wheeler C. C. 364	609
	46, 61	R. v. 8 Cox C. C. 233	1157
U. S. v. 13 Blatch. 211	682	R. v. 6 C. & P. 536	241
U. S. v. 4 Cr. C. C. 514	60	R. v. 5 Hep. 123	1634, 1639
v. Com., 30 Grat. 845	88,	R. v. 4 F. & F. 63	157
	558, 578	R. v. L. & C. 449; 9 Cox C.	
v. Hedger, 3 Taunt. 14	441	C. 460	1159, 1173, 1215
v. State, 68 Ga. 289	211 a	R. v. 2 Russ. on Cr. 545	1319
v. State, 1 Humph. 228		v. Gansel, Cowp. 1	504
	901, 902, 906	v. State, 1 Col. (Tenn.) 62	353
Lawry, State v. 4 Nev. 161	102, 463,	v. State, 56 Ga. 478	782
	628, 630	v. State, 64 Ga. 203	291, 930
Laws, State v. 2 Har. (Del.) 529	899	v. U. S. 12 Fed. Rep. 816	1063
Lawson v. State, 20 Ala. 66	1733,	Lee Ins. Co. v. State, 60 Miss. 359	91
	1734	Lee Tung, in re, 5 Crim. Law Mag.	
v. State, 30 Ala. 14	606	67	1465 a
v. State, 55 Ala. 118	1508	Leech, R. v. 36 Eng. L. & Eq. 539;	
Lawton, People v. 56 Barb. 126	180,	Dears, 642; 7 Cox C. C.	
	182	100	1205, 1206
Laxton, State v. 78 N. C. 564	568	R. v. 6 Mod. 145	1482
Laycock, R. v. 4 C. & P. 326	1309	R. v. 3 Stark. 70	1014, 1046
Layer, R. v. 6 St. Tr. 272	1809	Leeds, Com. v. 9 Phila. 569	1376, 1377
Layman, State v. 8 Blackf. 330	1195	Leefe, R. v. 2 Camp. 184	1298, 1299,
State v. 5 Harring. 510	1463,		1313
	1465	Leeman v. State, 35 Ark. 438	1576,
Layne v. State, 4 Lea. 199	1556		1579
Layton, R. v. 4 Cox C. C. 149	34, 36,	Leeser, R. v. Cro. Jac. 497	1122
	46, 60, 63	Leftwich v. Com., 20 Grat. 716	1130
Lazarus, State v. 1 Mill's Const.		Lehre, State v. 2 Brev. 446	1643, 1650
R. (S. C.) 34	102, 467, 506, 624	Leigh, R. v. 1 C. & K. 28; 2 Camp.	
Lazier v. Com., 10 Grat. 708	534	372	1353
Lea, State v. 3 Ala. 602	1283, 1302	R. v. 2 East P. C. 694	885, 963
State v. 1 Houst. 335	820	R. v. 4 F. & F. 915	46
Leach, Com. v. 1 Mass. 58	18, 899,	State v. 2 Dev. & B. 127	1568
	1067	Leighton, People v. 88 N. Y. 117	117
State v. 38 Me. 432	1528 a	State v. 56 Iowa, 595	857
State v. 50 Mo. 535	1460 a	State v. 35 Me. 195	1465 a,
Leaden, State v. 35 Conn. 515	808		1556
Leader v. State, 4 Tex. Ap. 162	1646	Leisenring, Com. v. 11 Phila. 392	
Leak, State v. 80 N. C. 403	682		1043
Leal v. State, 12 Tex. Ap. 279	1064	Leith, People v. 52 Cal. 251	211 d,
Learnard, State v. 41 Vt. 585	68, 207		214, 1402
Learned, State v. 47 Me. 426	1530	Lemasters v. State, 95 Ind. 367	895
U. S. v. 11 Int. Rev. 149	84	Lemons v. State, 50 Ala. 130	1514 a
Leary, State v. 88 N. C. 615	641 a	Hawks, 194	24
v. State, 39 Ind. 360	1513	Lenox, Com. v. 3 Brewst. 249	480
Leath v. Com., 32 Grat. 873	1466	Leo, Com. v. 110 Mass. 414	1500
Leathers, U. S. v. 6 Sawy. 17	88	Leonard, People v. 11 Johns. 504	1104
Leatherwood v. State, 6 Tex. Ap.		R. v. 3 Cox C. C. 284	1150,
265	1557		1226
Leavitt, State v. 32 Me. 183	1069	State v. 6 Gold. 307	1030,
LeBlanc, State v. 3 Brev. 339; 1			1053, 1063
Treadw. 354	555	State v. 22 Mo. 449	533
Le Blanche, State v. 2 Vroom. 82	291,	v. State, 29 Ohio St. 408	703
	930	v. State, 7 Tex. Ap. 417	
Leddington, R. v. 9 C. & P. 79	216,	1016, 1038, 1038, 1038	
	449	Lepille, R. v. 15 L. T. 188	1473
Ledford, State v. 67 N. C. 60	914		

TABLE OF CASES.

SECTION		SECTION	
Leppert v. State, 7 Ind. 300	1506	Lewis v. People, 37 Mich. 518	1758,
Leschi v. Territory, 1 Wash. Ter.	393	v. R. R. 49 Barb. 330	1759
23		v. State, 30 Ala. 54	557, 561
		v. State, 35 Ala. 380	184, 187,
			191, 192, 576 a, 577
		v. State, 51 Ala. 1	493
		v. State, 16 Conn. 32	807, 817
		v. State, 26 Kan. 123	1227
		v. U. S. 1 Morris, 199	1501
		v. Walter, 4 B. & Al. 605	1614,
			1639
		Ley, R. v. 1 Lewin, 239	58
		Lezynsky, in re, 16 Blatch. 9	31 b
		Libbey, Com. v. 11 Met. 64	1016,
			1018, 1022, 1033, 1052
		State v. 44 Me. 469	1700
		Libby, U. S. v. 1 Wood. & M. 221	
			212, 1890
		License Cases, 5 How. 512, 574, 631	
			1530
		Liddle, U. S. v. 2 Wash. C. C. 531	
			87, 491, 649, 1899
		Life Ins. Co. v. Terry, 15 Wall.	
		580	44
		Light, R. v. 7 Cox C. C. 389; D. &	
		B. 332	428, 429
		Lightfoot v. Com., 80 Ky. 516	488
		Lightner v. State, 31 Penn. St. 341	
			1500
		Lillard, State v. 78 Mo. 136	1505, 1531
		Lillie, State v. 21 Kans. 728	1057
		Lilly, People v. 38 Mich. 270	494, 503
		People v. 43 Mich. 521	605, 644
		Linee, People v. 12 Cox C. C. 451	1176
		Lincoln, Com. v. 11 Allen, 233	1160,
			1173, 1174, 1203, 1221, 1227
		State v. 6 Neb. 12	1500
		State v. 50 Vt. 644	1508
		v. Shaw, 17 Mass. 410	1574,
			1576
		v. Smith, 27 Vt. 328	1530
		Linde, State v. 54 Iowa, 139	1070
		Lindenburg, State v. 13 Tex. 27	1300
			1302
		Lindenmuller v. People, 33 Barb.	
		548	
		20, 1431, 1556	
		Lindenthal, State v. 5 Rich. 237	888,
			964
		Lindsay, U. S. v. 1 Cranch C. C.	
		245	1449
		v. State, 48 Ala. 169	1466
		v. State, 38 Ohio St. 507	278,
			279, 292 a, 507
		Lines, R. v. 1 C. & K. 393	555
		Linford v. Fitzroy, 13 Q. B. 240	85
		Linkhaw, State v. 69 N. C. 214	1556
		Linkous v. State, 9 Leigh, 608	1466
		Linney, State v. 52 Mo. 40	476, 485,
			486

TABLE OF CASES.

SECTION	SECTION
Linton, Com. v. 2 Va. Cas. 205	292, 512, 528, 682
L'Invincible, The, 1 Wheat. 238	1908, n.
Lippman v. South Bend, 84 Ind. 276	1412
Lipscomb, State v. 52 Mo. 32	1500
Lipsey, State v. 3 Dev. (N. C.) 485	117
Linsen v. U. S. 12 Fed. Rep. 840	749
List, State v. 1 Houst. C. C. 133	414, 504
Lister, R. v. D. & B. 118	1030
R. v. D. & B. 209	1441
Liston, State v. 9 Humph. 603	1832 a
Lithgo, R. v. R. & R. 357	783
Lithgow v. Com., 2 Va. Cas. 296	941
Litman v. State, 9 Tex. Ap. 461	1214
Little, R. v. 10 Cox C. C. 589	888, 916, 958
State v. 1 Vt. 331	1432 a
Littlejohn, Com. v. 15 Mass. 163	1700
State v. 1 Bay, 316	652 a, 1555, 1580, 1584
v. State, 59 Miss. 273	884
Liverpool Loan Ass. v. Fairhurst, 9 Exch. 422	1149
Livingstone, Com. v. 14 Grat. 592	393, 542
Lloyd, People v. 9 Cal. 54	393
R. v. 1 C. & P. 301	521
R. v. 7 C. & P. 318	550, 576
R. v. 2 East P. C. 1122	1666
v. Deakin, 4 B. & Al. 433	1706
Lock, R. v. L. R. 2 C. C. 10; 12	
Cox C. C. 244	146, 556, 563, 577, 580, 612
Lockart v. Troy, 48 Ala. 579	1872 d
Lockbaum, State v. 38 Conn. 400	1836, 1837
Locke, R. v. 12 Cox C. C. 244	636
State v. 35 Ind. 419	1214
v. State, 32 N. H. 106	981,
	981 a
Lockert, R. v. 5 Rep. 107	1392
Lockett, R. v. 7 C. & P. 300	213, 217
R. v. 1 Leach, 94	660
v. State, 47 Ala. 42	1557
v. State, 63 Ala. 5	829
Lockhardt v. Lichtenthaler, 46	
Penn. St. 151	356
Lockhart, State v. 24 Ga. 420	818
Looklear, State v. Busbee, 205	1663
Lockley, R. v. 4 F. & F. 155	417
Lockman, U. S. v. 1 Law Rep. (N. S.) 151	1895
Lockwood, Atty.-Gen. v. 9 M. & W. 378	88
Lodge v. Com., 2 Grat. 579	1288, 1299
Loeffner v. State, 10 Ohio St. 598	60, 61
Loftin, State v. 2 Dev. & Bat. 31	1713
Loftis, U. S. v. 8 Saw. 194	1831
Logan, U. S. v. 2 Cranch C. C. 259	18, 1067
v. State, 2 Lea, 222	646
Logg v. People, 92 Ill. 598	1537
Loggins v. State, 13 Tex. Ap. 211	1398
Logue v. Com., 38 Penn. St. 265	87, 419, 489, 491, 649
Lohman, People v. 2 Barb. 216; 1	592
Comst. 379	
Lolley, R. v. R. & R. 237; 2 Cl. &	
F. 567, n.	1682, 1695
Lonas v. State, 3 Heisk. 287	1754
London, R. v. 12 Cox C. C. 50	1276
Long, People v. 50 Mich. 249	85 b, 936
R. v. 4 C. & P. 398	362, 365
R. v. 4 C. & P. 423	365
State v. 7 Jones (N. C.), 24	1520
State, v. 76 N. C. 284	1589
State v. 43 Tex. 467	1082 d
v. Rogers, 17 Ala. 540	609, 611
v. State, 27 Ala. 32	1501
v. State, 11 Fla. 295	883
v. State, 12 Ga. 293	848, 851, 852, 855
v. State, 38 Ga. 491	59
v. State, 52 Miss. 23	488
v. State, 34 Tex. 566	182
Longbottom, R. v. 3 Cox C. C. 439	163, 164, 165
Longbridge, People v. 1 Neb. 11	291, 930
Longchamps, U. S. v. 1 Dall. 111	1899
Longden, R. v. R. & R. 228	405, 463, 469, 498
Long Island R. R. Co., People v. 4	
Parker C. R. 602	91
Longley, State v. 10 Ind. 482	1569
v. State, 43 Tex. 490	1665, 1666 c
Longstreet, R. v. 1 Mood. C. C. 137	888, 916
Longton Gas Co., R. v. 2 E. & E. 861; 8 Cox C. C. 317	1473
Longworth, State v. 41 Tex. 162	1061
v. State, 41 Tex. 508	1465 a
Lonsdale, R. v. 2 Cox C. C. 223	682
State v. 48 Wis. 348	1634
Loomis, People v. 4 Denio, 380	879, 882 b, 962 b
State v. 27 Minn. 521	882 a
v. Edgerton, 19 Wend. 419	
15 a, 17, 18, 899, 1066,	
1067, 1076	
v. People, 67 N. Y. 323	983, 984

TABLE OF CASES.

SECTION	SECTION
Loose, R. v. Bell, 259; 8 Cox C. O. 302	1055
v. Dears. & B. C. G. 525;	
7 Cox C. C. 431	269
State v. 15 Nev. 407	380
Lord, State v. 16 N. H. 357	288, 1465
Lorimer v. State, 76 Ind. 495	1469
Loring, Com. v. 8 Pick. 370	1432 a
Lorry v. State, 7 Baxt. 95	1431 c
Lorton v. State, 7 Mo. 55	931
Los Angeles, People v. 61 Cal. 188	489, 645
Lossen v. State, 62 Ind. 437	85 a, 1072 a
Loudon, R. v. 12 Cox C. C. 51	1276
Loughran, R. v. 1 Cr. & D. 76	1333
Loughridge v. State, 6 Mo. 534	237, 291
Louis, Le, 2 Dodson, 210	1892
Louisville R. R. v. Com., 13 Bush, 388	1431 c, 1476
v. Com., 80 Ky. 143	1431 a, 1476
v. State, 3 Head, 523	91
v. State, 86 Ind. 114	91, 1476
Love, State v. 1 Bay, 167	600
v. State, 15 Tex. Ap. 563	915
Lovel, R. v. 2 M. & R. 39	182, 186
Lovelace, State v. 12 Lea, 721	930
Lovelady v. State, 14 Tex. Ap. 545	311
Lovelass, R. v. 6 C. & P. 596; 1 M. & Rob. 349	1356
Lovell, R. v. 8 Q. B. D. 185	891, 915, 971
State v. 39 N. J. 463	292 a, 1467 a
State v. 47 Vt. 493	1530
v. State, 12 Ind. 18	1733
Lovett, Com. v. 6 Penn. L. J. 236;	
4 Clark (Pa.), 5	19, 1445
R. v. 9 C. & P. 462	1624, 1648
Low, Com. v. Thach. C. C. 477	976
R. v. 10 Cox C. C. 168	960, 961
v. Elwell, 121 Mass. 309	624
v. Knowlton, 26 Me. 128	1426
v. People, 2 Parker C. R. 37	952
Lowder v. State, 63 Ala. 143	770
Lowe, R. v. 3 C. & K. 123; 4 Cox C. 449	130, 305, 331, 337, 349, 370
v. State, 11 Tex. Ap. 253	863
Lowenhaught, State v. 11 Lea, 13	1514 a
Lownenstein v. People, 54 Barb. 299	
223, 1422, 1460	
Lowenthal v. State, 32 Ala. 589	1021, 1029, 1043
Lowery v. State, 30 Tex. 402	1340
Lowrence v. State, 4 Yerg. 145	933, 934
Lowrie v. State, 43 Tex. 602	1465
Lowry, State v. 33 La. An. 1224	644
State v. 74 N. C. 421	1505
Loyd v. State, 42 Ga. 221	241, 245
Luby v. Com., 12 Bush, 1	486 a
Lucas, Com. v. 2 Allen, 170	218
State v. 55 Iowa, 321	214, 229
State v. 57 Iowa, 501	847
v. State, 62 Ala. 26	928
Luck, R. v. 3 F. & F. 483	444
Lucker v. Com., 4 Bush, 446	1498 a
Luckey v. State, 14 Tex. 400	1667
Luckis, Com. v. 98 Mass. 431	922, 923
Lucy, R. v. C. & M. 511	84
Ludlow, State v. 2 Southard, 772	1257, 1288
Ludwig, State v. 70 Mo. 412	216, 448
Luellin, R. v. 12 Mod. 445	1587
Lufkin, Com. v. 7 Allen, 579	1082 d
Luke v. State, 49 Ala. 30	829, 1676, 1677
Lukins, U. S. v. 3 Wash. C. C. 335	649, 652
Lull, State v. 48 Vt. 581	628
Lumley, R. v. L. B. 1 C. C. 196	1706
Lumsden, State v. 89 N. C. 572	1491
Lund v. Tyngsboro, 11 Cush. 563	164
Lundy v. State, 60 Ga. 143	927
Lunsford, State v. 81 N. C. 528	581
Lunt, U. S. v. 14 Law Rep. 683	1886
U. S. v. Sprague, 311	637
Lusk, State v. 62 Ind. 284	1556
Lutz v. Com., 29 Penn. St. 441	536
Lycan v. People, 107 Ill. 433	1054
Lycoming Ins. Co. v. Schwenck, 95	
Penn. St. 89	1537
Lyerly, State v. 7 Jones (N. C.), 158	1747
Farrar, 31 N. H. 314	22
Lyles, U. S. v. 4 Cranch C. C. 469	179
Lymburn, State v. 1 Brev. 397	616
Lyme Regis v. Henley, 3 B. & Ad. 77; 1 Bingham N. R. 222	91
Lymus, State v. 26 Ohio St. 400	872
Lynch, Com. v. 8 Gray, 384	1931 a
People v. 11 Johns, 549, 553	
1275, 1793, 1812, 1814, 1818	
R. v. 5 C. & P. 324	473, 480
R. v. 26 Up. Can. Q. B. 205	
	1794
v. Com., 77 Penn. St. 205	61, 460
Lynn, R. v. 2 T. R. 733; 2 Leach C. C. 560	19, 84, 1432 a
Lyon, People v. 27 Han, 180	31, 1528

TABLE OF CASES.

	SECTION
Lyon, People v. 40 Hun, 623	1598
State v. 12 Conn. 487	837, 841
State v. 39 Iowa, 379	1452
State v. 89 N. C. 569	1596, 1647
State v. 45 N. J. (16 Vroom)	272
	932, 1044
U. S. v. Whart. St. Tr. 336	1612
v. State, 22 Ga. 399	467, 468,
	476, 506
Lyons, Com. v. 1 Penn. L. J. 497	288
R. v. C. & M. 217	917, 990 a
R. v. 2 East P. C. 497	812, 820
State v. 89 N. C. 568	1646
v. People, 68 Ill. 271	814, 819
v. State, 52 Ind. 426	586
Lytle v. State, 31 Ohio St. 196	53
<b>M.</b>	
Mabbett, R. v. 5 Cox C. C. 339	334,
	359, 1565
Mabel, R. v. 9 C. & P. 474	428, 439
Maberry, State v. 3 Stroh, 144	1568,
	1572 d, 1589
Mabrey, State v. 64 N. C. 592	633
Macaulay, R. v. 1 Leach, 287	854
MacDaniel, R. v. Foster, 121 ; 2	
East P. C. 665	149
MacDonnell, in re, 11 Blatch. 79,	
	170
Mace v. State, 9 Tex. Ap. 110	268
Macgregor v. Thwaites, 4 D. & R.	
	695 ; 3 B. & C. 24
	1595, 1634
MacGrowth, R. v. 18 St. Tr. 391	94
Mack v. People, 82 N. Y. 235	1040
v. State, 63 Ala. 138	1142,
	1223, 1226
Mackally's Case, 9 Co. 67 b ; Post.	
	345
	221
Mackally, R. v. 9 Rep. 68 ; 12 Rep.	
	17
	513, 519
Mackarty, R. v. 2 Ld. Raym. 1179	
	1126, 1349
Mackerel, R. v. 4 C. & P. 448	1082 a
Mackey v. State, 3 Ohio St. 362	727
v. State, 13 Tex. Ap. 360	480
Macklin's Case, 2 Lew. C. C. 225	474
Macklin, R. v. 5 Cox C. C. 216	981 a
MacIood, R. v. 12 Cox C. C. 534	89,
	362, 365, 367
MacIn, Com. v. 3 Leigh, 809	1075,
	1082 d
MacLoon, Com. v. 101 Mass. 1	272,
	279, 292, 519
MacNaughton's Case,	37, 45
Macomber, Com. v. 3 Mass. 254	223,
	825, 1082 a, 1082 c
State v. 7 R. I. 349	1835,
	1837, 1838

TABLE OF CASES.

	SECTION
Maconnehey v. State, 5 Ohio St. 77	48
Madden, Com. v. 1 Gray, 486	1520,
	1528 a
R. v. 14 Up. Can. (Q. B.)	
	588
	1709
Maddox, State v. 74 Ind. 705	1557
v. State, 14 Tex. Ap. 447	
	979
Madge, R. v. 9 C. & P. 29	930
Madison, U. S. v. 21 Fed. Rep.	
	1265
Madox, R. v. R. & R. 92	967, 1122
Madrazo v. Willes, 3 B. & Al. 353	
	1892
Magee, State v. 11 Ind. 154	1193
Magill, U. S. v. 1 Wash. C. C. 463	270
Magie, R. v. 2 East P. C. 1076	1082 d
Magner v. People, 97 Ill. 320	292 a
Maguire, State v. 47 Md. 485	1431 a
Mahalovitch v. State, 54 Ga. 217	1451
Mahan, State v. 2 Ala. 340	1848 b
v. Berry, 5 Mo. 21	1269
Maher, Com. v. 11 Phila. 425	1055
State v. 35 Me. 225	1508
v. People, 10 Mich. 212	459
v. State, 3 Minn. 444	1251
Mahly, State v. 68 Mo. 315	381, 391
Mahoney v. People, 3 Hun, 202 ; 5	
Th. & C. 329	850, 854
Mahony, R. v. 6 Cox C. C. 487	657,
	670
Maile v. Com., 9 Leigh, 661	517, 539
Migillet v. People, 42 Mich. 262	566
Main, State v. 31 Conn. 572	1449,
	1458
State v. 16 Wis. 398	272
Mainor, State v. 6 Ired. 340	1737 a
Mains v. State, 42 Ind. 327	1449,
	1456
Maires, State v. 33 N. J. L. 142	1574,
	1576, 1579
Mairs, State v. 1 Coxe, 453	221, 522
Maisonair v. Keeting, 2 Gall. 325	283
Majone, People v. 91 N. Y. 211	380
Major, Com. v. 6 Dana, 293	223, 247,
	1422, 1503, 1504
Makely, Com. v. 131 Mass. 421	840
Malek Adhel, The, U. S. v. 2 How.	
	210
	87, 1860
Maley v. State, 31 Ind. 192	1162
Malin, Resp. v. 1 Dall. 33	186, 1809
Mallory, People v. 4 Thomp. & C.	
	567
	1415, 1417
v. State, 62 Ga. 164	1467
Malone, Com. v. 114 Mass. 295	50,
	608 a
State v. 14 Ind. 219	637
v. State, 49 Ga. 210	51, 455
v. State, 11 Lea. 701	1073 a
v. Stewart, 15 Ohio, 319	1595
Marcus, R. v. 2 C. & K. 356	713
v. State, 26 Ind. 101	743 a
	957
Margerum, State v. 9 Bax. 362	928
Marianna Flora, The, 11 Wheat. 1	87,
	491, 1864, 1865
Malton Board v. Farmers Co., 4 Ex.	
	D. 310
	1412
Maloy, State v. 44 Iowa, 104	486 a
Malpica v. McKown, 1 La. R. 249	962 a
Malton Board v. Farmers Co., 4 Ex.	
	293, 749
Marion, People v. 29 Mich. 31 ; 28	
	Mich. 255
	713, 728
Manby v. Scott, 1 Mod. 136	1465 a
Manderfield, Com. v. 8 Phila. 457	
	1491, 1493
Manhattan Man. Co. v. Van Keuren, 23 N. J. Eq. 251	97 a, 1426
Manier v. State, 6 Baxt. 595	214,
	317, 318
Mankleton, R. v. Dears. 159, 162 ;	
6 Cox C. C. 143	1756, 1759
Manley, Com. v. 12 Pick. 173	932,
	934, 1350, 1359
R. v. 1 Cox C. C. 104	207,
	279
v. People, 3 Selden, 295	266,
	270 a
Manluff, State v. 1 Houst. 208	810, 820
Mann, Com. v. 4 Gray, 213	1413, 1422
Com. v. 116 Mass. 58	100, 628
R. v. 6 Cox C. C. 461	437, 623
State v. 1 Hayw. (N. C.) 4	225
v. People, 15 Hun, 155	669
v. State, 34 Ga. 11	1757
Manners, R. v. 7 C. & P. 801	213, 219
Manning's Case, 1 Ventr. 212 ;	
Raym. 212	459
Manning, R. v. 2 C. & K. 887	78, 83,
	210, 227, 397
R. v. Dears. C. 21	896,
	956, 960
R. v. L. R. 1 C. C. 338 ;	
	12 Cox C. C. 106
R. v. L. R. 12 Q. B. D.	
	241
	1407
State v. 14 Tex. 402	31
Manson, Com. v. 2 Ashmead, 31	82
v. People, 5 Parker C. R.	
	16
	1426
Manuel, State v. 72 N. C. 201	1067,
	1068, 1082 d
Manufac. Soc. State v. 42 N. J. L.	
	504
	1474
Manwaring, R. v. D. & B. 132 ; 7	
Cox C. C. 192	1701
Maranda v. State, 44 Tex. 442	1210
Marbury v. Madison, 1 Cranch, 137	
	255
March, People v. 6 Cal. 543	63
R. r. 1 C. & K. 496	612, 614
Com. v. 98 Mass. 4	425, 652
Com. v. 125 Mass. 394	525
in re, 45 Barb. 142	267
People v. 47 Cal. 96	525
People v. 1 Park C. C. 187	30
	743

TABLE OF CASES.

SECTION	
Martin, R. v. 3 C. & P. 211	347,373 <i>a</i>
R. v. 5 C. & P. 128	155 <i>a</i> , 519, 523
R. v. 6 C. & P. 562	568
R. v. 7 C. & P. 549	682
R. v. 9 C. & P. 215; 2 Mood. C. C. 123	141, 558, 572, 577, 598
R. v. 11 Cox C. C. 136	155, 156, 158, 164
R. v. 14 Cox C. C. 175; 41 L. T. (N. S.) 531	659, 660, 1344
R. v. L. R. 1 C. C. 56; 10 Cox C. C. 383	1199, 1215
R. v. 72 Law T. (Jour.) 83	112
R. v. 1 Leach, 205	871
R. v. 3 N. & P. 472; 8 Ad. & El. 481	1223, 1226
R. v. 8 Q. B. D. 547; 14 Cox C. C. 633	1067
R. v. R. & R. 108	785, 791
R. v. R. & R. 196	1672
State v. 32 Ark. 420	1667
State v. 12 Ired. 154	914, 926
State v. 31 La. An. 849	1557
State v. 28 Mo. 530	908
State v. 82 N. C. 672	931
State v. 85 N. C. 508	609
State v. 30 Wis. 216	467, 487, 542
U. S. v. 2 McLean, 256	1829
U. S. v. 8 Sawyer, 473	282 <i>a</i>
v. Clark, 8 R. I. 389	1854
v. Hewson, 10 Exch. 737	1465 <i>a</i>
v. Hunter's Lessee, 1 Wheat. 304	252, 266
v. Martin, 25 Ala. 201	31 <i>b</i>
v. Miller, 4 Mo. 47	1244
v. People, 13 Ill. 341	1473
v. People, 30 Wis. 216	455, 502
v. State, 28 Ala. 71	830, 331, 1333
v. State, 59 Ala. 34	1508, 1514 <i>a</i> , 1519 <i>a</i>
v. State, 41 Ark. 364	540, 541
v. State, 25 Ga. 315	211 <i>a</i>
v. State, 59 Ga. 159	50
v. State, 40 Tex. 19	637, 644
v. Strong, 5 Ad. & El. 535; 1 N. & P. 29	1632
Martinez v. State, 41 Tex. 126	981 <i>c</i>
v. State, 7 Tex. Ap. 394	1276
Marta v. State, 26 Ohio St. 162	87
Marvin, State v. 12 Iowa, 499	1747
State v. 35 N. H. 22	1733
v. State 19 Ind. 181	15 <i>a</i>
Marwisket v. State, 9 Tex. Ap. 377	1214

TABLE OF CASES.

SECTION	
Mary v. State, 24 Ark. 44	839
Mary A. Hogan, U. S. v. 18 Fed. Rep. 529	1905
Mash, Com. v. 7 Met. 472	88, 1705
Mask v. People, 32 Miss. 405	236
Mason's Case, 1 Post. C. L. 132	477
Mason, Com. v. 12 Allen, 185	135
Com. v. 105 Mass. 163	906, 908
Com. s. 116 Mass. 66	1520
ex parte, 1 Murph. 336	267
R. v. D. & R. (N. P.) 22	1054
R. v. 1 East P. C. 232	476
R. v. R. & R. 419	850
R. v. 2 T. R. 581	1213
R. v. 29 Up. Can. (Q. B.) 431	1288
State v. 90 N. C. 676	486 <i>a</i>
U. S. v. 12 Blatch. 497	728 <i>a</i>
U. S. v. 105 U. S. 196	139
v. Lothrop, 7 Gray, 358	1519
v. People, 26 N. Y. 200	763, 787, 788, 802, 803
v. State, 42 Ala. 532	715
v. State, 7 Tex. Ap. 623	1677
Massage, State v. 65 N. C. 480	457
Massey v. State, 86 N. C. 658	576 <i>a</i>
Massie v. State, 5 Tex. Ap. 81	1286
Master v. Miller, 4 T. R. 320; 2 H. Bl. 140	677, 1854
Masters, R. v. 1 Den. 332; 2 C. & K. 930	1031
Master Stevedores' Ass. v. Walsh., 2 Daly, 1	1366
Martin, R. v. 6 C. & P. 96	364
Mathena v. State, 15 Tex. Ap. 473	1210
Mather, People v. 4 Wend. 229	28, 1344, 1346, 1384, 1392, 1393, 1399
State, v. Chipman, 32	817
v. Clark, 2 Aiken, 209	74
Matheson's Case, 1 Swinton, 593	362
Mathews, R. v. 1 Eng. L. & Eq. 549; 1 Den. C. C. 598	76, 79, 992
State v. 2 Dev. & Bat. 424	1446, 1456, 1587
Matthews, Com. v. 129 Mass. 487	1500, 1520
R. v. 12 Cox C. C. 489	
869, 902, 903, 907, 908	
R. v. 14 Cox C. C. 5	87,
	1072 <i>a</i>
State v. 20 Mo. 55	87
State v. 76 N. C. 41	940
State v. 80 N. C. 417	476
State v. 4 Ohio St. 539	848
U. S. v. 2 Summer, 470	1879
v. Kelsey, 58 Me. 56	1474
v. Terry, 10 Conn. 455	604
Matthis, State v. 1 Hill (S. C.) 37	1504
94 <i>a</i> , 247, 1422, 1503, 1504	
Mattingley v. State, 8 Tex. Ap. 345	1279
Mattison v. State, 55 Ala. 224	484
v. State, 3 Mo. 421	266
Mattos, R. v. 7 C. & P. 458	277
Mauch, People v. 24 How. Pr. 276	1452
Mauer, State v. 2 Hill (S. C.), 453	173
Maull v. State, 37 Ala. 160	1729, 1730, 1747
Maund v. Monmouthshire Canal Co., 4 M. & G. 452	91
Manpin, State v. 57 Mo. 205	728
Maurer, State v. 7 Iowa, 63	1465 <i>b</i>
Maureli Co. v. Worcester (Mass. 1884.)	288
Maurice, U. S. v. 2 Brock. 96	254, 256
Mawbey, R. v. 6 T. R. 619	1126, 1366, 1380
Mawgridge, R. v. Kel. 124, 131	304, 817
Maxey, State v. 1 McMUL. 503	441
Maxwell, People v. 24 Cal. 14	982
State v. 36 Conn. 157	1528 <i>a</i>
State v. 42 Iowa, 208	53
State v. 47 Iowa, 454	671, 873, 743 <i>a</i>
State v. 28 La. An. 361	1304
v. Carlile, 1 McCord, 534	1545
r. State, 38 Tex. 112	1557
May, R. v. 10 Cox C. C. 448	600
R. v. L. & C. 13; 8 Cox C. C. 421	1019, 1023, 1024
State v. 20 Iowa, 305	882 <i>a</i> , 884
U. S. v. 2 McArthur, 512	597
v. People, 60 Ill. 119	983
v. State, 6 Tex. Ap. 191	488, 628
Mayberry, State v. 48 Me. 218	1344, 1346, 1348, 1358
State v. 3 Stroh. 144	1063
Maybush, Com. v. 29 Grat. 857	1329
Mayer, U. S. v. Deady, 127	1317
Mayers, R. v. 12 Cox C. C. 311	141, 189, 559, 561, 562
Mayes v. People, 106 Ill. 306, 315	519
Mayfield, State v. 66 Mo. 125	312, 537
v. State, 44 Tex. 59	644, 645 <i>d</i>
Mayhew, R. v. 6 C. & P. 315	1319
Mayle, R. v. 11 Cox C. C. 150	1012, 1013, 1019, 1821
Mayo v. State, 30 Ala. 32	1047
Mayor of Liverpool, R. v. 3 East, 86	
Mayor of Lynn v. Turner, 1 Cowp. 86	93
Mayor of Tewkesbury, R. v. L. R. 3 Q. B. 629	91, 85
Mays, U. S. v. 1 Idaho, N. S. 763	868
Mazagora, R. v. R. & R. 291	713
Mazeau, R. v. 9 C. & P. 676	207
Mazyck, State v. 3 Rich. 291	936, 942
McAdams v. State, 26 Ark. 405	117, 393
McAdden, State v. 71 N. C. 207	1112
McAdory v. State, 62 Ala. 154	831
McAfee, Com. v. 108 Mass. 458	633
v. State, 14 Tex. Ap. 668	914
McAllister, People v. 49 Mich. 12	1176
State v. 24 Me. 139	715
v. State, 17 Ala. 434	34, 35, 45, 63, 157, 159
McAlloon, State v. 40 Me. 133	1004
McAndrews, Terr. v. 3 Mont. 158	393
McArdle, People v. 5 Parker C. R. 180	1757
McAtee, Com. v. 8 Dana, 28	223, 1848 <i>b</i>
McAthey, R. v. L. & C. 250; 9 Cox C. C. 251	76, 83, 992
McBirnie, Penns. v. Add. 30	641
McBride, State v. 4 McCord, 332	1508, 1514 <i>a</i>
State v. 19 Mo. 239	1543
State v. 64 Mo. 364	1505
State v. Rice (S. C.), 400	266, 1275
v. Com., 4 Bush, 331	1571, 1580
v. State, 2 Eng. (Ark.) 374	641 <i>a</i>
McCafferty, R. v. 19 Cox C. C. 603; 1 Ir. R. C. L. 363	282, 1805, 1807, 1808
McCain v. State, 57 Ga. 390	568
McCall's Case, 5 Phila. 259, 291	267
McCall, State v. 4 Ala. 643	780
State v. 9 Neb. 203	30
v. McDowell, 1 Abb. U. S. 212	267, 268
McCan, ex parte, 14 Am. L. R. 158	268
State v. 19 Mo. 249	981
McCandless v. McWha, 22 Penn. St. 261; S. C., 25 Penn. St. 95	363
McCauley, State v. 9 Ired. 375	1112
McCann, People v. 16 N. Y. 58	61
R. v. —	181
B. v. 28 Up. Can. Q. B. 516	187
State v. 61 Me. 116	1528 <i>a</i>
State v. 19 Mo. 249	901, 902
v. People, 6 Parker C. R. 629	480
v. U. S. 2 Wy. 267	1011
McCants, State v. 1 Speers, 384	51, 54, 480
McCardle, ex parte, 6 Wall. 318; S. C., 7 Wall. 506	268

TABLE OF CASES.

SECTION		SECTION	
McCarney v. People, 83 N. Y. 408	212	McCormick, State v. 56 Iowa, 585	712
McCarthy, R. v. Peak (N. P.), 155	1287, 1305	McCourt v. People, 64 N. Y. 583	810,
McCarthy, Com. v. 119 Mass. 354	831	McCoy, State v. 89 N. C. 466	982, 936
McCartney v. State, 3 Ind. 353	715	State v. 14 N. H. 364	935
v. State, 17 Minn. 56	888	v. State, 3 Eng. (Ark.) 451	
McCarty, Com. v. 4 Penn. L. J.		467, 468, 506	
136; 4 Clark (Pa.),		v. State, 52 Ga. 287	245
351	1757, 1763	v. State, 25 Tex. 33	476
Resp. v. 2 Dall. 86	95, 1803 a	McCracken, U. S. v. 3 Hughes 544	
v. State, 26 Miss. 299	221		1822
v. State, 37 Miss. 411	1081	McCrillis v. State, 69 Ind. 159	817
McCauley, Com. v. 105 Mass. 69	1508	McCroskey, State v. 3 McCord, 308	
McChord, Com. v. 2 Dana, 242	1666	1257, 1266	
McClain, ex parte, 61 Cal. 436	1512 c	McCrossin, Com. v. 3 Penn. L. J.	
v. Com., 99 Penn. St. 86	121	219	1136
v. Matlack, 7 Ind. 525	1556 a	McCue, Com. v. 16 Gray, 226	1570
McClay, State v. 1 Harring, 520	1093	v. Com. 78 Penn. St. 185	380,
U. S. v. Cent. L. J. (1878)	255	381, 393	
	268	McCulley v. State, 62 Ind. 428	606
McClean, Com. v. 2 Parsons, 367	1377,	McCulloch, Com. v. 15 Mass. 227	1444
	1380, 1398	v. State of Maryland, 4 Wheat. 413	252
McCleary, Com. v. 105 Mass. 384		McCully v. State, 62 Ind. 428	642
	1528 a	McCune, State v. 5 R. I. 60	850, 854
McClellan, Com. v. 101 Mass. 34		McCutcheon v. People, 69 Ill. 601	88,
	1082 d	1507, 1512 a	
v. Adams, 19 Pick. 333		McDade v. People, 29 Mich. 50	827
	144, 146	McDaniel, Com. v. 3 Penn. L. J.	
McClintock, State v. 8 Iowa, 203	616,	310	1833 b
	639	R. v. Foster, 121; 2 East P. C. 665	225 a,
McCloskey v. People, 5 Parker C.		855, 1831	
R. 299	854	R. v. 1 Leach, 45	1376,
McClure, Com. v. 3 Weekly N. 58	1627, 1646	1380	
State v. Blackf. 328	1432 a	State v. 1 Houst. 506	1509
State v. 25 Mo. 338	641, 643	State v. 84 N. C. 803	1603
v. Com., 86 Penn. St. 363		State v. 4 Wins. (N. C.) No. 1, 249	187, 778,
688, 713, 717, 743 a		812, 820	
McCluskey, Com. v. 116 Mass. 64		v. Com., 6 Bush, 326	1465 b
	1528 a	v. Com., 77 Va. 281	380,
Com. v. 123 Mass. 401		381, 393	
	1498 a	v. State, 8 Sm. & M. 401	
McComas v. State, 11 Mo. 116	578	462, 498, 850, 884, 899,	
McConkey, State v. 49 Iowa, 499	1160	914	
McConnell, R. v. 1 C. & K. 371; 1		McDaniels, People v. 1 Parker C.	
Moody, 298	682	R. 199	852
v. State, 13 Tex. Ap.		v. State, 5 Tex. Ap.	
387	317, 382	475	88
McConologue's Case, 107 Mass. 154	267	McDermott, People v. 8 Cal. 289	1282
McCook, Com. v. Whart. Preo.		v. State, 89 Ind. 187	491
1012, n.	1858	v. State, 13 Ohio St. 332	568
McCoombs v. State, 8 Ohio St. 643		McDonald, Com. v. 5 Cush. 365	182,
	566, 568	186, 192, 606, 644	
McCord, State v. 8 Kans. 232	541, 542	Conn. v. 110 Mass. 405	556,
v. People, 46 N. Y. 470	1153,	557, 563	
	1190, 1191	in re, 9 Am. L. Reg. 662; 1 Low. 156	267
McCorkle v. State, 1 Cold. 333	1142		
v. State, 14 Ind. 39	953		
McCormick, State v. 52 Ind. 169	1304		
State v. 27 Iowa, 402	393		

TABLE OF CASES.

SECTION		SECTION	
McDonald, People v. 9 Mich. 150	558,	McGinnis, State v. 30 Minn. 52	1513,
	577, 641 a		1517, 1522 a
People v. 43 N. Y. 61	932,	State v. 76 Mo. 326	380
	938	v. Com., 74 Penn. St. 245	60
R. v. 9 Cox C. C. 10;		v. Com., 102 Penn. St.	
L. & C. 85	1014, 1018	66	50, 381
State v. 4 Herring. 555		McGlue, U. S. v. 1 Curtis C. C. 1	48,
			50, 60, 117
State v. 4 Jones (N. C.)	19	McGlynn, State v. 34 N. H. 422	1500,
			1528 a
State v. 20 Minn. 136	30	McGorty, Conn. v. 114 Mass. 299	813,
State v. 67 Mo. 13	487,		820
	493, 494	McGowan, Com. v. 2 Parsons, 341	
State v. 7 Mo. Ap. 510	87	1344, 1346, 1348, 1357, 1395	
State v. 9 W. Va. 456	814	McGowen, State v. 20 Conn. 245	835
v. People, 47 Ill. 533	830,	McGrath, R. v. L. R. 1 C. C. 205;	
	831, 843	11 Cox C. C. 347	883, 971
McDonell, People v. 47 Cal. 134	45, 46	State v. 73 Mo. 181	1525
People v. 92 N. Y. 657	544	v. Merwin, 112 Mass. 467	
McDonnell, R. v. 5 Cox C. C. 153			1431 c
		McGraw, State v. 74 Mo. 57	819
McDonough, Com. v. 13 Allen, 581		v. State, 13 Tex. Ap. 340	1750
	30, 1449, 1454, 1463	McGrear, State v. 13 S. C. 464	489, 645
McDougall, v. Claridge, 1 Camp.		McGregor's Case, 23 Am. Jour. Ins.	
	267	549	47
		McGregor, R. v. 3 B. & B. 106	1044
McDowell, State v. 1 Hawks, 449		R. v. 1 C. & K. 429	1881
		State v. 41 N. H. 407	221,
State v. Dudley (S. C.),			1452
	346	v. State, 1 Carter, 232	1244,
McDuffle, State v. 34 N. H. 523	1076,		1288
		v. State, 4 Tex. Ap. 599	631
McDuffy, Com. v. 126 Mass. 467	1197	McGrew, State v. 35 Ohio St. 27	1498 a
	1082 d	v. State, 13 Tex. Ap. 340	1750
McElhaney v. State, 12 Tex. Ap.		McGrowther, R. v. 1 East P. C. 71	
	281		1803
McElrath v. State, 55 Ga. 562	815	McGuffie v. State, 17 Ga. 497	543
McElroy v. State, 14 Tex. Ap. 235		McGuire, Com. v. 1 Va. Cas. 119	1466
	517	Com. v. 3 Wal. 387	1531
McEntee v. State, 24 Wis. 43	857	v. State, 7 Humph. 54	84, 88,
McEntyre, State v. 3 Ired. 171	130,		1836
	1063, 1568, 1572 d, 1574, 1589	v. State, 37 Miss. 369	1506 b
McFall, Penns. v. Add. 255	52, 54	McHale, Com. v. 97 Penn. St. 397	14,
McFarland's Case, 8 Abbott Pract.		1372, 1832, 1832 a, 1858	
Cas. N. S. 57		McHenry, U. S. v. 6 Blatch. 503	1304
McFarland, U. S. v. 1 Cranch C. C.		v. Sneer, 56 Iowa, 649	1338
	140	McIntyre, State v. 59 Iowa, 269	816,
			932
U. S. v. 4 Kan. 63	291		
McGahey, Com. v. 11 Gray, 194	439	State v. 19 Minn. 93	597
McGarren, People v. 17 Wend. 460		v. People, 38 Ill. 514	49, 51,
	901, 902, 904, 958, 963		54
McGary v. People, 45 N. Y. 153	835,	McIver, State v. 88 N. C. 686	1473
	841, 941		
McGavaran, R. v. 6 Cox C. C. 64	577,	McIver, Com. v. 117 Mass. 118	1498 a,
	612, 636		1520
McGee, People v. 1 Denio, 19	566	McJunkins v. State, 10 Ind. 140	1432
v. State, 8 Mo. 495	543	McKale, R. v. L. R. 1 C. C. 125; 11	
McGill, Penn. v. Add. 21		Cox C. C. 32	956, 972, 974
U. S. v. 4 Dall. 427; 1		McKay, People v. 46 Mich. 439	623
		v. State, 44 Tex. 43	606
Wash. C. C. 463	292	McKean, Com. v. 98 Mass. 9	732
McGinnes, R. v. 11 Cox C. C. 391	77		

TABLE OF CASES.

SECTION		SECTION	
McKearney, R. v. Jebb's C. C. 99	771	McMath v. State, 55 Ga. 303	566, 573
McKee, Penn. v. Add. 33	653	McMillen, State v. 5 Ohio, 269	721,
McKeen v. State, 7 Tex. Ap. 631	218		728 a
McKenna v. State, 61 Miss. 589	488	McMinn, State v. 83 N. C. 668	1519
McKinney, Com. v. 9 Gray, 114	953	McNab, State v. 20 N. H. 160	320
McKennon, State v. Harp. 302	1291	MacNaughton, see MacNaughton	
McKenzie, State v. 42 Me. 392	700	McNair v. People, 89 Ill. 441	1606,
v. State, 26 Ark. 334	61,		1609
v. State, 6 Eng. (Ark.)	380	v. Remp. 4 Yeates, 326	1109
594	1173	v. State, 53 Ala. 453	550
McKiernan, Com. v. 128 Mass. 414		v. State, 14 Tex. Ap. 78	884
1499, 1506		McNally, State v. 32 Iowa, 581	393
State v. 17 Nev. 224	741,	McNamara, State v. 96 Me. 133	1498 a
742		McNamee, Com. v. 118 Mass. 12	1498 a,
McKim, U. S. v. 3 Pitts. 155	89		1531
McKinley, People v. 9 Cal. 250	932	R. v. 1 Mood. C. C. 368	956
McKinney, People v. 3 Parker C. R.	510	v. People, 31 Mich. 473	
	1246	McNaughton, R. v. 14 Cox C. C.	1432, 1432 a
State v. 42 Iowa, 205	1249	576	396
v. People, 32 Mich. 284	1080	McNeal, U. S. v. 1 Gallis. 387	1291,
v. State, 8 Tex. Ap. 626	106		1314
v. State, 25 Wis. 378	645 d	v. Woods, 3 Blackf. 485	837
McKinstry, State v. 50 Ind. 465	1343,	McNeary, State v. 14 Mo. Ap. 412	1500
1380, 1381		McNeile, Com. v. 8 Phila. 438	1097,
McKisson, Com. v. 8 S. & R. 420	1348,		1103
1400		McNevins v. People, 61 Barb. 307	542
McLane, State v. 15 Nev. 345	519	McNinch, State v. 90 N. C. 695	630
v. State, 4 Ga. 335	835, 840	McPhail v. State, 9 Tex. Ap. 164	925
McLaughlin, Com. v. 11 Cush. 598	817	McPhane, R. v. C. & M. 212	220
Com. v. 12 Cush. 615		McPherson, R. v. Dears. & R. 197	186,
120, 641			813, 820
Com. v. 103 Mass. 435		State v. 9 Iowa, 53	266
938, 940		State v. 70 N. C. 239	771
Com. v. 122 Mass. 449		v. Com., 28 Grat. 939	1754
1316		v. State, 54 Ala. 221	1521
State v. 44 Iowa, 82	565,	v. State, 29 Ark. 225	542
v. State, 45 Ind. 338		v. State, 22 Ga. 478	484,
1426, 1498 a, 1510		486 a, 495, 505	
McLean, R. v. 2 Craw. & Dix. 350	666	v. State, 9 Verg. 279	543
v. Matthews, 7 Ill. Ap.		McPike, Com. v. 3 Cush. 181	119, 157,
599	1477		162, 304
v. State, 16 Ala. 672	63	McQueen v. State, 1 Lea, 594	380
McLeland v. State, 25 Ga. 477	1747	McQuoid v. People, 3 Gilman, 76	648,
McLeod, People v. 1 Hill (N. Y.),			650, 652
377; 25 Wend. 483	62,	McReynolds v. State, 5 Cold. 18	1686,
283, 493			1702
v. State, 35 Ala. 395	1747	v. State, 4 Tex. Ap.	
McLeran, State v. 1 Aiken, 311	676,	324	645 d
1126		McRue, R. v. 8 C. & P. 641	555
McLoughlin, Com. v. 12 Cush. 612		McShane, Com. v. 110 Mass. 502	1508
640 a		McWaters v. State, 10 Mo. 167	1546
R. v. 8 C. & P. 635	533	McWhirt, Com. v. 3 Grat. 594	459,
R. v. 26 Up. Can. (Q. B.) 195	1399		473, 480
v. State, 13 Tex. Ap. 220		People v. 1 N. Y. Cr. R. 417	965
1603		R. v. 4 C. & P. 535	882 a
McMakin, People v. 8 Cal. 547	606	R. v. 2 Stark. 206	417
R. v. R. & R. 333	214, 885	State v. 46 Conn. 22	1426 a
McManus, State v. 89 N. C. 555	1557		

TABLE OF CASES.

SECTION		SECTION	
Mead v. Young, 4 T. R. 28	657, 670	Merriam, Com. v. 7 Mass. 168	58
Meade's Case, 1 Brock. 324	268	Merrick v. State, 63 Ind. 327	512 a,
Meade, R. v. 1 Lew. C. C. 184	504, 506		519
Meadows, R. v. 1 C. & K. 399	686, 1756	Merrifield, Com. v. 4 Met. 468	1043
State v. 18 W. Va. 658	645 a	Merrill, Com. v. 14 Gray, 415	550, 576
State v. 22 W. Va. 766	814	People v. 2 Parker C. R.	
Meakin, R. v. 7 C. & P. 297	48, 49, 54	590	272
Meany, R. v. 10 Cox C. C. 505	1794	State v. 3 Blackf. 346	1080
Mears, R. v. 1 Bost. Law Rep. 205	207	State v. 2 Dev. 269	455
R. v. 1 Eng. L. & Eq. 581;		Merriman v. Chippenham, 2 East	
2 Den. 79; T. & M. 414;		P. C. 709	856
4 Cox C. C. 423	1361, 1363	Merrit, State v. 35 Conn. 314	1474
v. Com., 2 Grant, 385	192, 644	Merritt, State v. Phill. (N. C.) 134	608
Medbury v. Watson, 6 Met. 246	1160	v. State, 10 Tex. Ap. 402	1735
Medland, R. v. 5 Cox C. C. 292	900	Merry v. Green, 7 M. & W. 623	87, 491,
Medley, R. v. 6 C. & P. 292	135, 248,		884, 903, 932
	341, 1422, 1423, 1426	Mesmeier v. State, 11 Ind. 484	1530
Medlock v. State, 18 Ark. 363	1466	Messenger, R. v. 6 How. St. Tr.	
Medlor, R. v. 2 Show. 36	1465	879; Ket. 70 1795, 1796	
Meehan v. State (New Jersey,		State v. 58 N. H. 348	1042
1884), 6 Cr. L. Mag. 212	1667, 1668	Messersmidt v. People, 46 Mich.	
Meek, R. v. 9 C. & P. 513	1272	437	1428, 1477
State v. 70 Mo. 355	597	Messersmith, People v. 61 Cal. 241	61
Meeker v. Van Reuselaer, 15		Messingham, R. v. 1 Mood. C. C.	
Wend. 397	1426, 1433, 1436	257	989
Meester, Com. v. 1 Brewst. 492	1611,	Metcalf, People v. 1 Wheel. C. C.	
	1660	378	561
Megson, R. v. 9 C. & P. 420	566	R. v. 1 Mood. C. C. 433	879,
Mehan, Com. v. 11 Gray, 321	1512		963, 965, 966
v. State, 7 Wis. 670	1500	Meteor, The, 1 Am. L. Rev. 401; 3	
Meier v. State, 57 Ind. 386	1499	Am. L. Rev. 173	1905, 1908, n.
v. State, 10 Tex. Ap. 39	644	Methard v. State, 19 Ohio St. 363	817
Meigs v. Lister, 25 N. J. Eq. 489	1426	Metrop. Asylum v. Hill, L. R. 6 Ap.	
Meinhart, State v. 73 Mo. 562	573	Ca. 193; 44 L. T. (N. S.) 653	1424,
Melbourne's Case, 1 Lew. C. C. 251	909		1436
Melius, People v. 1 N. Y. Cr. R. 94	344	Metrop. Board v. Barrie, 34 N. Y.	
Mellish, R. v. R. & R. 80	1018, 1023,	657	1530
	1024	Metrop. R. R., Com. v. 107 Mass.	
Mellon, People v. 40 Cal. 648	928	236	247, 337, 341, 355
Melton, State v. 38 Mo. 368	1513, 1516	Metzger, in re, 5 How. 176	268
State v. 67 Mo. 594	379	Mewherter, State v. 46 Iowa, 88	41,
Melville, State v. 11 R. I. 417	88, 1465,		45, 63, 391
	1465 b	Meyer, U. S. v. cited Whart. Prec.	
Menage, R. v. 3 F. & F. 310	852, 1665	955, n.	256
Mence, R. v. C. & M. 234	149	v. Metzler, 51 Cal. 142	1412
Merceer, R. v. 6 Jarist, 243	566	v. State, 50 Ind. 18	1512 a
R. v. 17 Up. Can. (Q. B.)		v. State, 41 N. J. L. 6	1449,
625	1572 b		1451
State v. 32 Iowa, 405	1519 a	v. State, 42 N. J. L. 145	1498,
v. State, 17 Ga. 146	50, 54		1498 a
v. Woodgate, L. R. 5 Q. B. 31	1473	Meyers, ex parte, 44 Mo. 279	15 a
		R. v. 3 Up. Can. (C. P.)	
Mercersmith v. State, 8 Tex. Ap.		347	1479
211	214	State v. 68 Mo. 266	1043
Meredith, R. v. R. & R. 46; 8 C.		v. Com., 83 Penn. St. 131	61,
& P. 589	178, 180, 181		313
v. State, 60 Ala. 441	176, 641	Miard, R. v. 1 Cox C. C. 22	852, 1664
v. State, 40 Tex. 480	644	Michael, R. v. 9 C. & P. 356; 2	
Mergelt, Com. v. cited 4 Clark		Mood, G. C. 120	135, 166, 207, 246,
(Pa.), 5	1445		345, 522

TABLE OF CASES.

SECTION	SECTION
Michaelson v. Denison, 3 Day, 294	1872
Mickey v. Com., 9 Bush, 593	542
Middleham, State v. 62 Iowa, 150	489,
	502
Middlehurst, R. v. 1 Burr, 399	727
Middlesex, R. v. 3 B. & Ad, 201	1473
Middleship, R. v. 5 Cox C. C. 275	331,
	446, 447
Middleton, R. v. L. R. 2 C. C. 38;	
12 Cox C. C. 260	915,
	916, 932, 966
v. State, 53 Ga. 248	981 c
Midgett, State v. 85 N. C. 538	1512 c
Mifflin v. Com., 5 W. & S. 461	1348,
	1359, 1361
Milan v. State, 24 Ark. 346	644
Milburn, ex parte, 9 Pet. 704	268
U. S. v. 4 Cranch, 719	1765
Miles, R. v. 6 Jur. 243	139, 613, 635
State v. 32 Me. 55	1528 a
v. People, 55 Cal. 207	87, 385
v. State, 58 Ala. 390	1339
v. U. S. 103 U. S. 304	1700,
	1701, 1709
Milliman, Com. v. 13 S. & E. 403	1474
Millain, State v. 3 Nev. 409	393
Millar, R. v. 7 C. & P. 665	928
Millard, R. v. 6 Cox C. C. 150	1272
State v. 18 Vt. 574	1472, 1747
Miller's Case, 2 Dall. 1	1803
4 Ct. of Cl. 288	1803
Miller, Com. v. 2 Ashm. 61	241, 652,
	1667, 1672, 1674, 1677
Com. v. 8 Gray, 487	1444
Com. v. 78 Ky. 15	973
Com. v. 2 Parsons, 480	1839,
	1841
Com. v. 1 Va. Cas. 310	393
People v. 14 Johns. 371	972,
	1116, 1126, 1143
People v. 49 Mich. 23	628, 645
People v. 2 Parker C. R.	
	197
	1175, 1182
R. v. 6 Cox C. C. 353	990
State v. 24 Conn. 522	1513
State v. 53 Iowa, 154	1465 b
State v. 25 Kan. 699	644
State v. 24 Mo. 532	1516
State v. 12 Vt. 437	100, 621
State v. 24 W. Va. 802	1319
U. S. v. 3 Hughes, 553	1373
v. Com., 13 Bush, 731	1497
v. Gilleland, 19 Penn. St.	
	119
v. Maxwell, 16 Wend. 9	1660
v. Parish, 8 Pick. 384	1596
v. People, 5 Barb. 203	1471
v. Proctor, 20 Ohio St. 442	85
v. State, 48 Ala. 122	1465,
	1465 a
Miller, v. State, 54 Ala. 155	117, 380
v. State, 6 Baxt. 449	1557
v. State, 15 Fla. 577	1245
v. State, 51 Ind. 405	713, 723
v. State, 73 Ind. 89	1186, 1192
v. State, 79 Ind. 198	1348
v. State, 33 Miss. 356	1848 b
v. State, 3 Ohio St. 475	1499,
	1508, 1512 a
v. State, 15 Tex. Ap. 125	213,
	214, 220
v. State, 25 Wis. 384	78, 79,
	220, 519
v. Taylor, 4 Burr. 2303	14
v. U. S. 11 Wall. 268	1783
Milligan, ex parte, 4 Wall. 2	268, 1799
Milliman, Com. v. 13 S. & R. 403	1474
Millis, R. v. 10 Cl. & F. 534	1697
Mills, People v. 17 Cal. 276	578
v. 40 Eng. L. & Eq. 562;	
7 Cox C. C. 263; D. &	
B. 205	1183, 1187
State v. 2 Dev. 420	1068, 1085,
	1086, 1092, 1112
State v. 17 Me. 211	928, 1130,
	1155, 1176, 1188, 1218
U. S. v. 7 Peters, 138	223, 1823,
	1827
v. Com., 13 Penn. St. 631	592
v. Richards, 9 Wend. 315	1415
v. State, 20 Ala. 86	1473
Millsaps, State v. 82 N. C. 549	641
Millsbaugh, People v. 11 Mich. 278	
	1757
Milne, People v. 60 Cal. 71	1765
Milner v. Maclean, 2 C. & P. 17	1094
v. State, 30 Ga. 138	645 d
Milnes, R. v. 2 F. & F. 10	1311
Milton v. State, 6 Neb. 136	377, 380,
	392
Miner v. People, 58 Ill. 59	1697, 1720,
	1747
Mingo, U. S. v. 2 Curtis C. C. 1	457
Mink, Com. v. 123 Mass. 422	328,
	448, 453, 454
Minnick, State v. 15 Iowa, 123	1836,
	1838
Minnock, R. v. 1 Craw. & Dix Jr.	
C. R. 45	157
Minns, State v. 26 Minn. 191	1042,
	1053, 1063
Minor, Board of Education v. 23	
Ohio St. 211	20
v. Happerset, 63 Mo. 58	84,
	1835
Minton v. Com., 79 Ky. 461	499
Mintzer's Case, 28 Leg. Int. Rep.	
	372
Miskall, U. S. v. 15 Fed. Rep. 138	1356
	1568

TABLE OF CASES.

SECTION	SECTION
Miskimmons, State v. 2 Ind. 440	1474
Misner, Penns. v. Add. 44	682, 689,
	697, 713, 743
Miss. & Mo. R. R. v. Ward, 2	
Black. 485	288
Mitchell, Com. v. 3 Bush, 39	1571,
	1574, 1580, 1672
Com. v. 33 Grat. 845	213,
	218, 381
Com. v. 2 Parsons, 431	625
Com. v. 1 Va. Cas. 716	304
R. v. 1 Den. C. C. 282	657,
	663, 670
R. v. 2 East P. C. 936	1135
R. v. 2 F. & F. 44	653, 687
State v. 3 Blackf. 229	1587
State v. 5 Ired. 350	826, 829
State v. 6 Mo. 147	1466
State v. 64 Mo. 191	379, 380
State v. 89 N. C. 521	576 a
U. S. v. Baldwin C. C.	
	367, 660, 703, 704, 710
U. S. v. 2 Dall. 348	1796
U. S. v. 1 Hughes, 439	1338
v. Com., 33 Grat. 872	477
v. Com., 78 Ky. 704	592
v. Harmony, 13 How. 115	94
v. State, 55 Ala. 160	1467 a
v. State, 60 Ala. 626	377
v. State, 22 Ga. 211	495
v. State, 41 Ga. 529	455
v. State, 56 Ga. 171	687
v. State, 63 Ind. 76	61
v. State, 5 Yerg. 340	377,
	380, 392, 393
Mitchum v. State, 45 Ala. 29	9
v. State, 11 Ga. 615	117
Miton, R. v. 3 C. & P. 31	100, 102
Mix v. Woodward, 12 Conn. 362	1660
Mizner, State v. 45 Iowa, 248	632
Moah, R. v. Dears. 626	1030
v. 7 Cox C. C. 503; D.	
B. 550	653, 687
Moakes, R. v. 5 C. & P. 326	645 d
Mobley v. State, 46 Miss. 501	572, 578
Mockabee v. Com., 78 Ky. 380	413
Modoc's Case (June, 1873)	310
Moett, People v. 23 Hun. 60	34
Moffatt, R. v. 1 Leach, 431	695, 698
State v. 7 Humph. 250	1268,
	1304
Moffet v. Brewer, 1 Greene (Iowa),	
	348
Moffit v. State, 43 Tex. 346	1426
Mogg, R. v. 4 C. & P. 364	1469
	1082 d
Mohn, Com. v. 52 Penn. St. 243	1442,
	1444
Mohr, State v. 53 Iowa, 261	1528 a
Mokely, Com. v. 131 Mass. 421	1568
	830
Moland, R. v. 2 Mood. C. C. 276	1171,
	1184, 1209
Mole, R. v. 1 C. & K. 417	901, 902,
	909
Molette v. State, 49 Ala. 18	583
Molier, State v. 1 Dev. 263	1271, 1319
Molihan v. State, 30 Ind. 266	247,
	1503
Monahan, Com. v. 9 Gray, 119	1291
Monarch, State v. 6 Bush, 301	1465 a,
	1466
Money v. Leach, 1 W. Bl. 555	422
v. State, 8 Ala. 328	926
Mongeon v. People, 55 N. Y. 613	597
Monkhouse, R. v. 4 Cox C. C. 55	51, 53
Montague, State v. 2 McCord, 257	570,
	1387
v. State, 17 Fla. 662	207
Monte, U. S. v. 2 West Coast Rep.	
	265
Montee v. Com., 3 J. J. Marsh.	
	135
Montgomery, Resp. v. 1 Yeates,	
	419
	499, 652 a, 1555,
	1568, 1571, 1580, 1584
State v. 7 Baxt. 160	644
State v. 56 Iowa, 195	
	1192
State v. 63 Mo. 296	677
State v. 12 Tex. Ap.	
	323
U. S. v. 3 Sawy. 547	990
v. State, 10 Ohio, 220	
	1254, 1257, 1271
Montrou v. Jefferys, 2 C. & P. 113	85
Montross v. State, Ga. 1884	1606
Moar, Com. v. Thach. C. C. 410	1211
Moodie, R. v. 20 Up. Can. (Q. B.)	
	389
	1572 b
v. The Betty Cathcart, Bee,	
	292
v. The Brothers, Bee, 76	1905
Moody, People v. 5 Parker C. R.	
	668
R. v. 9 Cox C. C. 166; L.	
& C. 173	656, 664, 667,
	684, 693
v. People, 20 Ill. 315	590
v. State, 6 Cold. 299	220
v. State, 22 Ohio St. 110	592
Moojen, R. v. Law T. Dec. 6, 79	1270
Mook, State v. 40 Ohio St. 588	1061
Moon, State v. 5 Blackf. 118	1505
	State v. 41 Wis. 684
	915
v. State, 68 Ga. 687	51
Mooney, State v. Phil. (N. C.) 434	603
v. State, 8 Ala. 328	284, n.
v. State, 33 Ala. 419	53, 54
Moore, Com. v. 11 Cush. 600	1460 a
Com. v. 6 Met. 243	1728

TABLE OF CASES.

SECTION		SECTION	
Moore, Com. v. 99 Penn. St. 570	1173	Moorefield v. State, 5 Lea. 348	1557
et parte, 30 Ind. 197	480	Mooty, State v. 3 Hill S. C. 187	1514 a
People v. 8 Cal. 90	115, 117	Morales, State v. 21 Tex. 298	930
People v. 2 Doug. (Mich.)		Moran, State v. 7 Clarke (Iowa),	
1	432	236	543
R. v. 3 B. & Ad. 154	1432, 1473	State v. 40 Me. 127	1528 a
R. v. 3 C. & K. 319; 6 Law		v. State, 73 Ind. 208	1744
Rep. (N. S.) 581	51, 53	Morby, R. v. L. R. 8 Q. B. D. 571;	
R. v. 13 Cox C. C. 544	88, 1705	45 L. T. (N. S.) 288	336
R. v. 1 F. & F. 73	715	Mordescal, State v. 68 N. C. 207	765
R. v. L. & C. 1; 8 Cox C.		Morea, State v. 2 Ala. 275	159
C. 416	120, 901, 909	Moreau, R. v. 11 Q. B. 1028	1245,
R. v. 1 Leach, 335	854		1247
State v. 5 Blackf. 118	1505	Morey, State v. 2 Wis. 494	933
State v. 31 Conn. 479	464, 507,	v. Com., 108 Mass. 433	266
	1474	Mordit, R. v. R. & R. 307	897
State v. 39 Conn. 244	416, 648,	Morgan, Com. v. 11 Bush, 601	120,
	652		645 a
State v. 3 Dutch. 108	1837,	Com. v. 107 Mass. 199	135,
	1838 a	247, 341, 1627, 1649, 1653,	
State v. 6 Foster (N. H.),		1663	
448	280, 287	R. v. 6 Cox C. C. 107	1308
State v. 25 Iowa, 128	316, 320,	R. v. 29 Eng. L. & Eq.	
	390	543; Dears. 395; 6	
State v. 11 Ired. 70	866	Cox C. C. 408	971
State v. 61 Mo. 276	837, 839	State v. 40 Conn. 44	1452,
State v. 69 N. C. 267	480	1498 a, 1530 a	
State v. 82 N. C. 659	644, 645 a	State v. 2 Dev. & Bat.	
State v. 12 N. H. 42	119, 763,	348	726
	818	State v. 3 Heisk. 262	1664,
State v. 14 N. H. 451	1500,		1665,
	1522	State v. 3 Ired. 186	462, 493,
State v. 42 N. J. L. 208; S.		495, 500, 501, 603, 607, 645	
C. in error, 43 N. J. L.		State v. 85 N. C. 581	536
208.	30	U. S. v. Morris (Iowa),	
State v. 1 Swan, 136	19, 1432,	341	1299
	1741, 1747	v. Beaumont, 121 Mass. 7	
State v. 3 West. L. J. 134	1686		1465 a
U. S. v. 19 Fed. Rep. 39	149,	v. Carmarthen, 3 Keble,	
	1831 a	350	92
U. S. v. 2 Low, 232	1245,	v. Durfee, 69 Mo. 469	500
	1246, 1250	v. Skiddy, 62 N. Y. 319	1176
v. Com., 8 Barr, 260	878, 880,	v. State, 11 Ala. 289	1752
	882 b, 954, 1196	v. State, 42 Ark. 131	1203
v. Illinois, 14 How 13	931	v. State, 13 Sm. & M. 242	
v. People, 108 Ill. 484	1733		120, 641, 645 a
v. People, 47 Mich. 639	793,	Moriarty, State v. 50 Conn. 415	1498 a,
	795		1528 a, 1530 a
v. Sanborn, 2 Mich. 519	1477	v. Brooks, 6 C. & P. 684	533
v. State, 65 Ind. 213	1466	Morihan, R. v. 4 Allen, 585	1674
v. State, 65 Ind. 382	88	Morine, People v. 61 Cal. 364	488
v. State, 36 Miss. 137	476	Morley's, Lord, Case, 7 St. Tr. 421;	
v. State, 55 Miss. 432	928	Kel. 56; 1 Sid. 287	480
v. State, 17 Ohio St. 521	69,	Morley, v. Greenhalgh, 3 B. & S.	
	558	374	1082 d
v. State, 9 Yerg. 353	26, 1498 a	Morman v. State, 24 Miss. 54	196, 641
v. State, 8 Tex. Ap. 253	863	Morning Star v. State, 55 Ala. 148	884
v. State, 15 Tex. Ap. 2 381,	488	v. State, 59 Ala. 30	884
v. Terrall, 4 B. & Ad. 871;		Morphas, R. v. 1 Salk. 85	1869
1 N. & M. 559	1629	Morphin, State v. 37 Mo. 373	931

TABLE OF CASES.

SECTION		SECTION	
Morrell v. People, 32 Ill. 499	1257,	Morse v. Calley, 5 N. H. 221	652
	1267, 1292, 1304	v. State, 6 Conn. 9	107
Morrill, Com. v. 8 Cush. 571	1191,	Mortimer, People v. 48 Mich. 37	480
	1218, 1224	Morton, R. v. 2 East P. C. 955	682,
Morris, Com. v. 1 Va. Cas. 176;	2	State v. 1 Williams (Vt.),	697
Wheel. C. C. 465	1634,	310	727, 728 a, 737
	1636, 1643, 1644	State v. 8 Wis. 352	716
R. v. 1 B. & Ad. 441	1416,	v. Shoppee, 3 C. & P. 373;	
	1424, 1477	14 Eng. C. L. R. 355	604
R. v. 2 Burr. 1189	1309, 1312	Moseley, R. v. L. & C. 92	1227
R. v. 2 Cox C. C. 489	600	v. State, 42 Tex. 78	932,
R. v. 2 Cr. & Dix. 91	1565		938
R. v. 1 Leach, 60	1312	Moseley, State v. 31 Kan. 355	205, 238
R. v. R. & R. 210; 2 Leach,	1096	v. State, 28 Ga. 190	1070
	79, 700	Moses, State v. 2 Dev. 452	534
State v. 47 Conn. 179	807	U. S. v. 4 Wash. C. C. 726	713
U. S. v. 14 Pet. 464	28	v. State, 58 Ind. 185	1425
U. S. v. 7 Report. 581; 19		Mosher, People v. 2 Parker C. R.	
Alb. L. J. 403	682, 743 a	195	1685, 1686
U. S. v. 17 Rep. 293	1831	Mosler, Com. v. 4 Barr, 264	34, 35, 41,
v. Blackman, 2 H. & C. 912			44, 473
	1491	Mosley, R. v. 1 Mood. C. C. 97	534
v. Bowles, 1 Dana, 97	1087	Moss, R. v. D. & B. 104	1224, 1466
v. Platt, 32 Conn. 75	317, 489	State v. 2 Jones N. C. 66	733
v. State, 31 Ind. 189	1431 a,	Mossam v. Joy, 10 St. Tr. 666	725
	1431 c	Most, R. v. 7 Q. B. D. 244	179
v. State, 8 S. & M. 762	715	Mott, R. v. 2 East P. C. 1075;	1
v. State, 38 Tex. 603	1452	Leach, 73, n.	1082 d
v. State, 13 Tex. Ap. 65	644	State v. 16 Minn. 472	697
Morris R. R. Co., State v. 3 Zab.		State v. 45 N. J. L. 494	1660
360	91, 1476	v. State, 29 Ark. 147	839
Morris Run Coal Co. v. Barclay		Mouatt, Com. v. 14 Phila. 366	1841
Coal Co., 68 Penn. St. 173	1366,	Moulden v. State, 5 Lea. 577	1197
	1369	Moulton, Com. v. 108 Mass. 309.	1664,
Morrison, Com. v. 16 Gray, 228	597		1666
Penns. v. Addis. 274	17, 1550	Moultrie, State v. 11 La. An. 1146	986
People v. 1 Parker C. R.		State v. 34 La. An. 489	997
626	557	Mower v. Leicester, 9 Mass. 247	93
People v. 13 Wend. 399	1240	Moxon's Case, 2 Town. Mod. St.	
R. v. 8 Cox C. C. 194;		Tr. 356	1605, 1606
Bell, 158	878	Moye v. State, 65 Ga. 754	915
State v. 3 Dev. 299	1500	Moyer v. Com., 7 Barr, 439	1080
U. S. v. 1 Sumner, 448	1877,	Moyers, U. S. v. 15 Fed. Rep. 411	1568
	1880	Moynihan v. State, 70 Ind. 126	384
v. Com., 7 Dana, 218	1498 a,	Moyre, R. v. 1 Leach, 314	213
	1510	Mucklow, R. v. 1 Mood. C. C. 160	
Morrissey, Com. v. 86 Penn. St. 416	1063		885, 909, 938, 966
Morrissey, State v. 22 Iowa, 158	816	Mudie, R. v. 1 M. & R. 128	1322
	State v. 70 Me. 401	v. State, 76 Ind. 310	1431 c
v. People, 11 Mich. 327	919	Muir v. State, 8 Blackf. 154	1263
Morristown v. Moyer, 67 Penn. St.	928	Mulcahy v. R. L. R., 3 H. L. 306	174,
355	1474	187, 1840, 1888, 1400, 1806	
Morrow, U. S. v. 4 Wash. C. C.		Muldoon, People v. 2 Parker C. R.	
733	223, 246, 700, 710, 749	13	87, 419, 648, 649
Morse, Com. v. 2 Mass. 138	180, 720,	Mulholland, Com. v. 12 Phila. 608	
	1116		
Com. v. 14 Mass. 217	932, 934,	Mullaly v. People, 86 N. Y. 365	740
	942		872
State v. 1 Greene, 503	1286		
State v. 50 N. H. 9	1474		

TABLE OF CASES.

SECTION		SECTION	
Mullaly, R. v. 10 Cox C. C. 97; L. & C. 593	1271, 1277, 1284	Murphy, People v. 51 Cal. 376	1040, 1050
Mullen, State v. 30 Iowa, 203	938	R. v. 2 C. & P. 20	499
State v. 35 Iowa, 199	1458	R. v. 6 C. & P. 103	214, 215, 220, 371, 398
State v. 14 La. An. 570	54	R. v. 8 C. & P. 297	1398
v. State, 45 Ala. 43	181, 182, 606, 642	R. v. 4 Cox C. C. 101	1018
Muller, People v. 39 Hun, 209	1606	R. v. 13 Cox C. C. 298	1163
People v. 96 N. Y. 409	1606	State v. 6 Ala. 765	557, 997, 1000, 1362,
Millikin, State v. 8 Blackf. 260	1424, 1454	State v. 8 Blackf. 498	869, 871, 952
Mullins, R. v. L. & C. 489	1474	State v. 61 Me. 56	467, 500, 625
Mulroy, R. v. 3 Craw. & Dix, 318	608 a, 631, 638, 1567	v. Manning, 2 Ex. D. 307	1082 d
Mulvaney, U. S. v. 4 Parker C. R. 164	1827	v. Nolan, 126 Mass. 542	1500
Mulvey, v. State, 43 Ala. 316	75, 1509, 1514 a	v. People, 3 Hun, 114	848
Mumford, State v. 1 Dev. 519	1300, 1304	v. People, 37 Ill. 447	484
State v. 73 Mo. 647	1491	v. People, 104 Ill. 528	956
Munch, State v. 22 Minn. 67	1043, 1063	v. State, 50 Ga. 150	1699
Munc, State v. 12 La. An. 625	637	v. State, 1 Ind. 366	1514 a
Munday, State v. 78 N. C. 460	1138, 1161	v. State, 31 Ind. 511	304, 481
Munden v. State, 37 Tex. 353	493	v. State, 33 Iowa, 270	489
Munger, State v. 15 Vt. 290	1493, 1499, 1505, 1510, 1520, 1530	v. State, 9 Lea, 373	1525
Munroe v. State, 5 Ga. 95	500	U. S. v. 1 McArth. & Mac. 375	973
Munsey, Com. v. 112 Mass. 289	79	Murray, Com. v. 2 Ashm. 57	377, 381
Munson, Com. v. 127 Mass. 489	1726, 1747, 1748 b	Com. v. 5 Leigh, 720	741
People v. 5 Park. C. R. 16	1426	Com. v. 135 Mass. 531	1858
State v. 79 Ind. 541	730	People v. 8 Cal. 519	820
State v. 26 Ohio St. 318	1512	People v. 10 Cal. 309	393
Munster v. Lamb, 49 L. T. (N. S.) 268	1637	People v. 14 Cal. 159	181, 1743
Munton, R. v. 3 C. & P. 498	1318	R. v. 5 Cox C. C. 509	305, 355
Munzenmeier, State v. 24 Iowa, 87	1528 a	R. v. 5 C. & P. 145, n.; 1	1047,
Murat, People v. 45 Cal. 283	645 d	R. v. 2 East P. C. 496	791
Murdock, R. v. 2 Den. C. C. 298; 8 Eng. L. & Eq. 577	280, 1030, 1040	R. v. 1 F. & F. 80	1277
v. Murdock, 7 Cal. 511	359	State v. 15 Me. 100	173, 444, 1346, 1667, 1672, 1673, 1677,
Murfreesboro', State v. 11 Hump. 217	91, 93	1680	
Murphy, Com. v. 2 Allen, 163	574,	State v. 63 N. C. 31	568
1742		v. Baker, 3 Wheat. 541	1691
Com. v. 12 Allen, 449	852,	v. Com., 24 Penn. St. 270	95,
1664		1431 b	
Com. v. 11 Cus. 472	515	v. Com., 79 Penn. St. 311	
Com. v. 23 Grat. 960	640 a	114, 392, 477, 488	
Com. v. 2 Gray, 510	76, 79,	v. R., 7 Q. B. 700	1711, 1713
81, 1509		v. State, 48 Ala. 675	816, 818
in re, 1 Woolf, 141	31	Murrow, R. v. 1 Mood. C. C. 456	633
People v. 47 Cal. 103	914,	Murtagh, Com. v. 1 Ashm. 272	1700
925		R. v. 1 Craw. & Dix. 356	878

TABLE OF CASES.

SECTION		SECTION	
Mutters, R. v. 1 B. & A. 362	1412,	Feeley, State v. 20 Iowa, 108	476, 485,
	1441	v. State, 8 Tex. Ap. 64	88,
R. v. L. & C. 511; 10 Cox C. C. 50	919	Myeall, Com. v. 2 Mass. 136	683
Mycock, R. v. 12 Cox C. C. 28	1756,	Mycock, R. v. 12 Cox C. C. 28	1761
Myddleton, R. v. 6 T. R. 739	88	Neely, State v. 74 N. C. 425	576 a
Myerfield, State v. Phil. N. C. 108	606	Neese, State v. N. C. Term R. 270	1660
Myers, Penn. v. Add. 320	914	Neff, State v. 58 Ind. 516	635
People v. 20 Cal. 518	60	Negro Ben v. State, 9 Tex. Ap. 107	1466
State v. 19 Iowa, 517	608	Negus, R. v. L. R. 2 C. C. 34	1011,
v. Com., 2 W. & S. 60	29	1018, 1019, 1021	
v. Malcolm, 6 Hill (N. Y.), 292	1441	Neil, R. v. 2 C. & P. 485	1412
People, 26 Ill. 173	291	v. Cummings, 75 Ill. 170	1160
v. State, 62 Ala. 599	485	Neill, in re, 8 Blatch. 156	267, 268
v. State, 1 Conn. 502	1431 c	Neills, Com. v. 2 Brews. 553	220,
v. State, 33 Tex. 528	455	Nelson, State v. 29 Me. 329	75, 76, 79,
Mynatt v. State, 8 Lea, 47	1446	State v. 11 Nev. 334	939
		U. S. v. 1 Abb. U. S. 135	703,
		752	
N.		v. Brewery Co., L. R. 2 C. P. D. 311	1459
Nailor, U. S. v. 4 Cranch C. C. 372	1451	v. People, 58 Cal. 104	818
Nair v. State, 53 Ala. 453	559	v. People, 23 N. Y. 293	1570
Naltras, R. v. 15 Cox C. C. 73	829	v. State, 32 Ark. 193	1244
Nancy, The, Bee, 73	1905	v. State, 6 Baxt. 595	344
Napier v. State, 50 Ala. 168	1466,	v. State, 47 Miss. 621	1276
	1467 a	v. State, 19 Mo. 393	1465 b,
Napper, State v. 6 Nev. 113	183,	1466	
	645 d	v. State, 1 Tex. 41	532
Nash, R. v. 2 Den. C. C. 493	186, 683,	Nepean v. Knight, 2 M. & W. 894	1706
	694, 713, 714		
v. Benedict, 25 Wend. 645	1596	Nesbit, Com. v. 34 Penn. St. 398	1431 c
v. State, 2 Greene (Iowa), 286	512	Ness, State v. 2 Ind. 479	1465 a
v. State, 88 N. C. 618	628, 645	Netcher, U. S. v. 1 Story, 307	1885,
Nason, Com. v. 9 Gray, 125	1162, 1164,	Nettles, ex parte, 58 Ala. 268	476
	1215	Nettleton, R. v. 1 Mood. C. C. 259	1012,
Naylor, Com. v. 34 Penn. St. 86	1431 a	1023	
R. v. 11 Cox C. C. 13	1276,	Neubrandt v. State, 53 Wis. 89	811,
	1277		813
R. v. L. R. 1 C. C. 4; 10 Cox C. C. 149	1169	Neudecker v. Kohl, 81 N. Y. 297	1398
Neal, Com. v. 22 Grat. 917	1465 b	Neverson, U. S. v. 1 Mack.	211 a
State v. 7 Foster, 131	1503	Neville, R. v. Peake (N. P.), 91	1415
Com. v. 10 Mass. 152	78, 79	v. 6 Jones (N. C.), 432	459, 496
State v. 37 Me. 468	196, 641	Nevin v. Ladue, 3 Denio, 43, 437	1505
State v. 42 Mo. 119	1299	Nevling v. Com., 98 Penn. St. 323	49, 61, 381, 389
v. State, 54 Ga. 281	631		
Neale, R. v. 9 C & P. 431	1535, 1555,	New, State v. 22 Minn. 79	1040
	1568, 1584	Newall, R. v. 6 Cox C. C. 21	1314
R. v. 1 Den. C. C. 36	1344	New Bedford Bridge, U. S. v. 1 Woodb. & M. 401	31 b, 256
U. S. v. 14 Fed. Rep. 767	1246	Newbegin, State v. 25 Me. 509	809
Neales v. State, 10 Mo. 499	1510	Newberry, State v. 26 Iowa, 467	644
Needham, ex parte, Pet. C. C. 487		Newby, State v. 64 N. C. 23	1068,
		1070	
v. State, 1 Tex. 139	1462		

TABLE OF CASES.

SECTION		SECTION
Newcomer, Com. v. 49 Penn. St. 478	1043, 1052, 1061	Nicholls, R. v. 13 East, 412 n. R. v. 1 F. & F. 51 Nichols's Case, 1 D. & J. 387 Nichols, Com. v. 10 Allen, 199 Com. v. 114 Mass. 285 Com. v. 134 Mass. 531 Com. v. 10 Met. 259 135, 223, 247, 341, 1422, 1503 State v. 8 Conn. 496 176, 641 State v. 1 Houst. 114 1173 State v. 83 Ind. 228 1452 v. Com. 11 Bush, 575 117, 472 v. Mudgett, 32 Vt. 546 1848 v. People, 17 N. Y. 114 967 v. People, 3 Parker C. R. 579 967 v. State, 8 Ohio St. 435 53, 54, 641 v. State, 35 Wisc. 308 22 Nicholson, Com. v. Phil. 1842 667 R. v. 1 East P. C. 346 517, 539 R. v. 2 Leach, 698 974 R. v. 1 Lew. C. C. 300 1548 v. Com., 91 Penn. St. 390 1763, 1764 v. State, 9 Baxt. 258 173 Nickerson, Com. v. 5 Allen, 518 146, 590 State v. 46 Iowa, 447 1288 U. S. v. 1 Sprague, 232 1269 Niles, State v. 47 Vt. 32 566 Nimrod, The, 1 Ware, 9 1886 Nisbett, <i>ex parte</i> , 8 Jurist, 1071 422 Nixon, R. v. 7 C. & P. 442 867 State v. 76 Ind. 524 1506 State v. 18 Vt. 70 1450, 1457 v. People, 2 Scam. 267 156, 164 v. State, 55 Ala. 120 1160, 1241 Noakes, R. v. 4 F. & F. 920 368 v. People, 25 N. Y. 380 682 Noble v. State, 22 Ohio St. 541 1708, 1750, 1751, 1762 Noe v. People, 30 Ill. 96 1551 Noecker v. People, 91 Ill. 468 1614 v. People, 91 Ill. 494 248, 292 a, 1503, 1506 Noelke, People v. 94 N. Y. 137 288, 1490, 1493 U. S. v. 17 Blatch. 554 1490, 1423, 1495, 1497 Nolan, People v. 22 Mich. 229 761, 767 v. Traber, 48 Md. 460 81 Noland v. State, 19 Ohio, 131 237 Nolen v. Mayor, 4 Verg. 163 1452 Noles v. State, 26 Ala. 31 414, 489, 506 Nolty v. State, 17 Wisc. 668 682 Noon, R. v. 6 Cox C. C. 137 117, 344
New Haven Bk. v. Mitchell, 15 Coun. 206 1621		Noonan, Com. v. 15 Phila. 372 1452 v. State, 11 Sm. & M. 562 Norfolk's Case, 1 How. St. Tr. 957
Newill, R. v. 1 Mood. C. C. 458 1897		1513
New J. Turnpike Co., State v. 1 Harr. (N. J.) 222 91, 93		1795
Newland, State v. 7 Iowa, 242 716 State v. 27 Kan. 764 628, 636		Norman, R. v. C. & M. 501 1030 Norman, State v. 2 Dev. 222 1711 Norris, R. v. 9 C. & P. 241 1082 b R. v. 2 Kenyon, 300 1369 R. v. R. & R. 69 981 c State v. 9 N. H. 96 1277, 1280, 1305
Newman, R. v. 1 E. & B. 268, 558 1643 R. v. 46 L. T. (N. S.) 394; S. C., Law Times, March 15, 1882 1057		State v. 59 N. H. 536 1656 a v. Newton, 5 McLean, 92 267, 268 v. State, 25 Ohio St. 217 1206
State v. 9 Nev. 48 291, 930		North Bridgewater Bk. v. Copeland, 7 Allen, 139 1500
v. Jenkins, 10 Pick. 515 1691		North. Cent. R. R. v. Com., 90 Penn. St. 310 91, 1473, 1476
v. State, 63 Ga. 533 1499, 1512 a		Northcot v. State, 43 Ala. 330 1068, 1070
Newport, State v. 4 Harring. 567 237		Northumberland, State v. 46 N. H. 156 1486
Newton, Com. v. 123 Mass. 420 648		Norton, Com. v. 11 Allen, 266 1189 People v. 7 Barb. 477 1568, 1571
Com. v. 8 Pick. 234 1431 a R. v. 1 C. & K. 469 648, 652, 1263, 1315		R. v. 8 C. & P. 196 1223 State v. 41 Iowa, 430 1498 a State v. 2 Ired. 40 1434 State v. 76 Mo. 180 1184 State v. 19 Tex. 102 1466 State v. 3 Zabr. 33 1347, 1350, 1357, 1371, 1380, 1382, 1384
R. v. 2 M. & Rob. 503 1700		v. Ladd, 5 N. H. 203 869, 874 v. People, 8 Cow. 137 213, 942
R. v. 2 Mood. C. C. 59 728		v. Sewall, 106 Mass. 143 166
State v. 44 Iowa, 45 88		Nott, R. v. 4 Q. B. 768 24
State v. 26 Ohio St. 265 1063		U. S. v. 1 McLean, 499 1829
v. Doyle, 38 Mich. 645 1087		Nourse v. State, 2 Tex. Ap. 304 982
v. Harland, 1 Man. & Gran. 644; 1 Scott N. R. 474 1085, 1100, 1104, 1105		Nowell, State v. 60 N. H. 199 223
Newton Co. v. White, 63 Ga. 697 884		Nowlan v. Griffin, 68 Me. 235 31
New York, etc., R. R., Com. v. 112 Mass. 412 1474, 1476		Noyes, State v. 10 Foster, 279 1426
& N. H. R. R., People v. 89 N. Y. 266 91, 1474, 1476		State v. 25 Vt. 415 1343, 1344, 1346, 1380, 1382
The, 3 Wheat. 59 96		Nuckolls v. Com., 32 Grat. 887 1465, 1465 b, 1466
N. Y. Gas Light Co., People v. 64 Barb 55 1424, 1440		Nueslin, State v. 25 Mo. 111 377
Nicolls, R. v. 2 Str. 1227 1388		Nugent v. State, 18 Ala. 521 552, 566
Nichol, R. v. R. & R. 130 612, 636		Nunn v. State, 1 Kelly, 243 1557
Nicholas, R. v. 2 C. & K. 246; 2 Cox C. C. 139 566		Nunnemacher, U. S. v. 7 Biss. 111 247, 1338, 1340, 1399
Nichole v. Allen, 3 C. & P. 36 359		Nuthill v. State, 11 Humph. 247 237
Nicholl, R. v. 1 B. & Ad. 21 1304		Nutt, State v. 28 Vt. 598 1508
Nicholls, R. v. 10 Cox C. C. 476 598 B. v. 13 Cox C. C. 75 333		Nye, U. S. v. 2 Curtis C. C. 225 1876 v. People, 35 Mich. 16 106, 379, 455

TABLE OF CASES.

O.	SECTION
Oakley, R. v. 4 B. & Ad. 307; 1 N. & M. 58 1103, 1113	
Oaks, Com. v. 113 Mass. 8 1411, 1432 b, 1474	
Oates, R. v. Dears. 459; 29 Eng. L. & Eq. 552 1173, 1193	
O'Brian, R. v. 1 Den. C. C. 9; 2 C. & K. 115 221, 522, 523, 526	
O'Brien, Com. v. 12 Allen, 183 935	
Com. v. 8 Gray, 487 1451	
R. v. 4 Cox C. C. 398 775	
R. v. 2 Str. 1143 1244	
R. v. Town. St. Tr. 469 1795	
State v. 2 Root, 516 835 a	
State v. 3 Vroom, 169 305, 337, 343, 348	
v. People, 28 Mich. 213 1452	
v. State, 6 Tex. Ap. 665 149	
v. State, 10 Tex. Ap. 554 1466	
O'Callaghan, R. v. 70 Law T. (Journ.) 13 149	
Ochsner, State v. 9 Mo. Ap. 216 1491, 1497	
O'Connell, Com. v. 12 Allen, 451 931, 952, 1044	
People v. 62 How. (N. Y.) 436 34	
People v. 87 N. Y. 377 61	
v. Com. 7 Met. 460 1003	
v. R. 11 Ct. & Fin. 155 1340, 1356, 1382, 1385, 1400, 1407	
v. State, 55 Ga. 296 982	
v. State, 6 Minn. 279 571	
O'Conner, Com. v. 107 Mass. 219 1733	
State v. 31 Mo. 389 488	
v. State, 45 Ind. 347 1516	
O'Connor v. State, 30 Ala. 9 1216	
v. State, 64 Ga. 125 410	
v. State, 40 Tex. 24 1557	
Odams, State v. 2 Lea, 220 1513	
Oddy, R. v. 2 Den. C. C. 429; 5 Cox C. C. 210 715, 983	
Odel, State v. 3 Brev. 552; 2 Tr. Con. Rep. (S. C.) 758 715, 743 a	
Odell, Com. v. 3 Pitts. R. 449 1632 a, 1636	
State v. 8 Blackf. 396 1571	
Oder v. Com., 80 Ky. 32 488	
Odle v. State, 13 Tex. Ap. 612 849	
Odlin, Com. v. 23 Pick. 275 1499, 1505, 1513, 1514, 1516, 1528 a	
O'Donald, State v. 1 McCord, 532 1545, 1546	
Nueslin, State v. 25 Mo. 111 377	
Nugent v. State, 18 Ala. 521 552, 566	
Nunn v. State, 1 Kelly, 243 1557	
Nunnemacher, U. S. v. 7 Biss. 111 247, 1338, 1340, 1399	
Nuthill v. State, 11 Humph. 247 237	
Nutt, State v. 28 Vt. 598 1508	
Nye, U. S. v. 2 Curtis C. C. 225 1876 v. People, 35 Mich. 16 106, 379, 455	
Offutt, State v. 4 Blackf. 355 1261	
Ogden v. State, 12 Wis. 532, 237	

TABLE OF CASES.

SECTION	SECTION
Ogletree v. State, 28 Ala. 693	196
O'Grady, Georgia v. 3 Woods, 496	409
O'Hara, Com. v. 10 Gray, 469	938
O'Hara, Com. v. 7 Smith's Laws App. 594	381
O'Hearn, Com. v. 132 Mass. 553	1512
Ohio & Miss. R. R., State v. 23 Ind. 362	91
Ohio & Penn. R. R., Com. v. 1 Grant, 329	91
Ohring v. Evansville, 66 Ind. 59	619
O'Kane, State v. 23 Kan. 244	544
Okey, R. v. 8 Mod. 46	1572
Okie, U. S. v. 5 Blatch, 516	1829
Olcott, People v. 2 Johns. Cas. 301	1388
Old Colony R. R., Com. v. 14 Gray, 93	1476
O'Leary v. People, 4 Parker C. R. 187	182, 640
v. State, 44 Ind. 91	247, 1503
Oleson v. State, 11 Neb. 276	556, 566
Oliifer, R. v. 10 Cox C. C. 402	88
v. 1756, 1759	
Oliphant v. Smith, 3 Pen. & W. 180	288
Olive v. Com., 5 Bush, 376	812, 820
v. State, 11 Neb. 1	525
Oliver, Com. v. 2 Parsons, 420	1089
R. v. cited in 4 Taunt, 274	
966, 974	
State v. 2 Houst. 585	404, 414,
425, 429, 432, 439, 543	
State v. 70 N. C. 60	633
v. Com., 17 Penn. St. 590	226,
230	
v. Com., 101 Penn. St. 218	
1757	
v. State, 17 Ala. 587	94, 102,
405, 462, 484, 486 a, 489, 500	
v. State, 37 Ala. 134	1228
Olmstead, People v. 30 Mich. 431	325
v. Dennis, 77 N. Y. 378	
1570	
Olney, U. S. v. 1 Abb. (U. S.) 275	
1430, 1491	
Omaha, State v. 14 Neb. 265	91, 1474
O'Malley, Com. v. 97 Mass. 584	956,
1027	
O'Mally, State v. 48 Iowa, 501	1442
O'Mara v. Com., 75 Penn. St. 424	392
O'Mealy v. Newell, 8 East, 364	1117,
1264	
O'Meara v. State, 17 Ohio St. 515	558,
577, 578	
Omit v. Com., 21 Penn. St. 426	1431 c
O'Neal, State v. 1 Houst. C. 58	
221, 455	
Oneale v. Com., 17 Grat. 582	1700
758	
Oneby's Case, 2 Id. Raym. 1490	476,
v. 480	
One House v. State, 4 Greene (Iowa), 172	1530
O'Neill, People v. 48 Cal. 257	576 a,
640	
O'Neill, U. S. v. 2 Sawy. 481	1837
v. State, 16 Ala. 65	1552
O'Neil, State v. Houst. C. C. 468	
317, 404	
Opie, R. v. 8 Cox C. C. 332	60
Oppenheimer, State v. 41 Tex. 82	1287
Orchard, R. v. 3 Cox C. C. 248; 20 Eng. L. & Eq. 598	1470
Orcutt, People v. 1 Park. C. C. 252	829
Ordway, Com. v. 12 Cush. 270	854
Com. v. 14 Gray, 65	621
O'Reilly, Com. v. 110 Mass. 15	1528 a
v. People, 86 N. Y. 154	1305
Orman, R. v. 36 Eng. L. & Eq. 611; Dears, 575; 7 Cox C. C. 45	1024,
1025, 1038, 1359	
Orr v. Bank of U. S., 1 Ohio, 36	91
v. State, 18 Ark. 540	1465 b
Orrell, State v. 1 Dev. 139	312, 512,
v. People, 94 Ill. 456	537, 538
Ortega, U. S. v. 4 Wash. C. C. 531	797
87, 491, 649, 1899	
Orton, R. v. 39 L. T. (N. S.) 293	372
State v. 41 Ark. 308	1512 b
Ortwein, Com. v. 76 Penn. St. 414	61
Orvis, State v. 13 Ind. 569	1215,
v. 1227	
Orwig, State v. 24 Iowa, 102	1052
Osborn v. State, 52 Ind. 526	586, 1765
Osborne, R. v. C. & M. 623	566
v. People, 2 Parker C. R. 583	810, 811, 820
v. State, 69 Mo. 143	1748
Osburn v. State, 71 Ham. (Part 1st) 212	1325
Osgood v. People, 39 N. Y. 449	1510
Oshe v. State, 37 Ohio St. 494	1528 a
Oshkosh v. Swartz, 55 Wis. 483	22
Ostrander, State v. 30 Mo. 18	391
Osterbridge, U. S. v. 5 Sawyer, 620	255, 493
Onteveras, People v. 48 Cal. 19	237
Outlaw, State v. 72 N. C. 593	833
Outs, State v. 30 La. An. 1155	726
Overall v. Bezeau, 39 Mich. 506	1562
Overdeer v. Lewis, 1 W. & S. 90	621,
v. 1100, 1105	
Oyerman v. State, 88 Ind. 6	1502
Overshine v. Com., 2 Ben. Mon. 344	1498 a
Overstreet v. State, 46 Ala. 30	825
v. State, 3 How. (Miss.) 328	
Overton, ex parte, 2 Rose, 257	1332
B. v. C. & M. 655; 2 Mood. C. C. 263	1277,
v. 1279	
R. v. 4 Q. B. 83; 3 G. & D. 133	1292
State v. 16 Nev. 136	1491
State v. 4 Zab. 435	623
Oviatt v. Pond, 29 Conn. 479	1530
Owen, R. v. 4 C. & P. 236	68, 69
R. v. 6 Cox C. C. 105	1276
R. v. 1 Mood. C. C. 96	218
State v. 31 Ala. 387	1557
State v. 52 Ind. 379	982
State v. 72 Mo. 440	1288
State v. 1 Murph. 452	529, 534
State v. 72 N. C. 605	1251
v. State, 6 Humph. 330	938
v. State, 5 Snead, 494	716, 722,
v. 741	
v. State, 7 Tex. Ap. 329	633
Owens, Com. v. 116 Mass. 252	1498 a
R. v. 2 El. & El. 86	1835
R. v. 1 Mood. C. C. 205	1082 d
State v. 22 Minn. 238	597
State v. 79 Mo. 619	813, 819
State v. 10 Rich. 169	935
U. S. v. 17 Fed. Rep. 79	1831 a
v. State, 3 Tex. Ap. 404	1557
Oxford, R. v. 9 C. & P. 525	34, 44, 46,
v. 65	
Oxenham, R. v. 13 Cox C. C. 349	1055
Oxley, R. v. 3 C. & K. 317	1286
Oyer & Terminator Court, People v. 83 N. Y. 436	1218, 1220
P.	
Pace v. Alabama, 69 Ala. 231; 106 U. S. 583	1754
Packages, 14, U. S. v. Gilpin, 235	86
U. S. v. 1 Paine, 129	87
Packard, R. v. C. & M. 236	347, 373 a
U. S. v. 5 Gray, 101	1502
Packer, R. v. 1 Leach, 357	938
State v. 80 N. C. 439	1505,
v. 1513	
Paddle, R. v. R. & R. 484	1666
Paddock, State v. 24 Vt. 312	1502
Padelford's Case, 9 Wall. 531; 4 Ct. of Cl. 316	1801, 1803
Padgett v. State, 68 Ind. 46	1467
Paducah R. R. v. Com., 80 Ky. 147	91, 1476
People v. 41 N. Y. 21	22
Parker, Com. v. 2 Cush. 212	1261,
v. 1282, 1319	
Com. v. 117 Mass. 112	1466
Com. v. 9 Met. 263	144, 592
Com. v. 2 Pick. 550	284, n.
759	

TABLE OF CASES.

SECTION	SECTION
Page v. Com., 9 Leigh, 683	727
v. People, 1 Idaho, 189	742
v. State, 69 Ala. 229	628
v. State, 3 Heisk. 198	1567
v. State, 11 Lea, 202	1529
v. State, 59 Miss. 475	1276, 1316
Paget, R. v. 3 F. & F. 29	15
Paige v. People, 3 Abb. App. Dec. 440	706
Paine, R. v. 7 C. & P. 135	760, 761
R. v. L. R. 1 C. C. 27	1677
R. v. London, 1880	1563
Painter, State v. 50 Iowa, 317	1757,
v. 1763	
State v. 67 Mo. 84	604, 641
Palmer, People v. 10 Wend. 165	921,
v. 936, 942	
R. v. R. & R. 72; 1 N. R. 96	207, 710
R. v. 1 Russ. Cr. 53	207
State v. 32 La. An. 565	104
State v. 18 Vt. 570	1685,
v. 1686, 1711	
U. S. v. 3 Wheat. 610	270,
v. 1860, 1862	
v. State, 41 Ala. 416	935
v. State, 45 Ind. 368	1072 a
v. State, 39 Ohio St. 236	1434
Palmore v. State, 29 Ark. 248	377
Pancake, State v. 174 Ind. 15	1466
Pankey v. People, 1 Seam. 80	1244,
v. 1257	
Pappa v. Rose, L. R. 7 C. P. 32, 525	1571
Pappineau, R. v. 2 Strange, 686	1411,
v. 1426	
Paradise, R. v. 2 East P. C. 565	956
Pardee, State v. 37 Ohio St. 63	991
Pardon, R. v. 6 Cox C. C. 247	337,
v. 1081	
Pardue v. State, 4 Baxt. 10	818
Parfitt, R. v. 8 C. & P. 288	820
Pargeter, R. v. 3 Cox C. C. 191	305,
v. 337, 338, 349	
Parham, State v. 5 Jones (N. C.), 416	1730, 1737
Paris, R. v. 1 Sid. 431	1126
Parish, People v. 4 Denio, 153	1172,
v. 1202, 1221	
People v. 83 N. C. 613	1744
R. v. 8 C. & P. 94	148, 669
v. Parish, 32 Ga. 653	1695
Park, Com. v. 1 Gray, 553	247, 1422,
v. 1503	
People v. 41 N. Y. 21	22
Parker, Com. v. 2 Cush. 212	1261,
v. 1282, 1319	
Com. v. 117 Mass. 112	1466
Com. v. 9 Met. 263	144, 592
Com. v. 2 Pick. 550	284, n.
759	

TABLE OF CASES.

	SECTION
Parker, <i>ex parte</i> , 11 Neb. 309	1203
People v. 4 Johns. 424	783
People v. 38 N. Y. 85	1434
R. v. C. & M. 639	1319, 1322
R. v. 6 C. & P. 825	1136,
1162, 1163, 1214	
R. v. 1 Leach, 318	835 a
R. v. 3 Q. B. 292; 2 G. &	
D. 709	1223, 1224, 1347,
1348	
State v. 10 Nev. 79	798
State v. 75 N. C. 249	634
State v. 43 N. H. 83	1348
v. Mise, 27 Ala. 480	872
v. Patrick, 5 T. R. 175	981
v. State, 55 Miss. 414	488
v. State, 4 Ohio St. 563	1503
v. State, 31 Tex. 132	460,
495, 496	
v. State, 9 Tex. Ap. 351	857
v. State, 13 Tex. Ap. 213	
1466, 1467	
Parkerson, State v. 1 Strobb. 169	
76, 79	
Parkes, R. v. 2 East P. C. 993; 2	
Leach, 775	657, 660, 726, 747
Parkin, R. v. 1 Mood. C. C. 45	928
Parkinson v. State, 2 W. Va. 589	
1428, 1473, 1486	
v. State, 14 Md. 184	1510
Parks, People v. 49 Mich. 333	1503
v. State, 3 Ohio St. 101	543
v. State, 4 Tex. Ap. 134	1721 a
Parli v. Reed, 30 Kan. 534	1033
Parmelee v. People, 8 Hun. 623	669
Parmenter, Com. v. 121 Mass. 354	
1227	
Com. v. 5 Pick. 279	726,
737, 747	
Parnell, R. v. 14 Cox C. C. 508	1337
State v. 16 Ark. 506	1510
Parnther, Atty.-Gen. v. 4 Brown	
C. C. 409	60
Parr, Com. v. 5 W. & S. 345	554,
576, 1344, 1746	
R. v. 2 M. & Rob. 346	989
Parris v. People, 76 Ill. 274	1067
Parrish v. State, 18 Fla. 902	
1277, 1286	
v. State, 14 Neb. 60	486 a
Parrott, State v. 71 N. C. 311	102,
1426	
Parshell, People v. 6 Parker C. R.	
129	1756
Parsons, R. v. 5 C. & P. 412	1682
R. v. 1 W. Bl. 392	1398
U. S. v. 2 Blatch. 104	1827
v. Brown, 15 Barb. 590	100
v. State, 21 Ala. 300	157,
163, 365	
Parsons v. State, 2 Cart. Ind. 499	
1466, 1848 b	
U. S. v. 2 Blatch. 104	1827
Passley v. Freeman, 3 T. R. 51	1135
Passy, R. v. 7 C. & P. 282	213
Passmore's Case, 1 S. & R. 217	1474
Passmore, U. S. v. 4 Dall. 372	1245
Patch, R. v. 1 Leach, 273	973
Pate, State v. 57 Mo. 488	1500 a
v. Wright, 30 Ind. 476	1431 c
Pateman, R. v. R. & R. 455	696
Patiience, R. v. 7 C. & P. 775	414,
420, 432	
Patillo, State v. 4 Hawks, 348	1116,
1123, 1126, 1130	
Patrick, R. v. 2 East P. C. 1059	1078,
1082 c	
State v. 3 Wis. 812	644
Patten, State v. 10 La. An. 299	57
v. People, 18 Mich. 314	102,
398, 467, 504	
Patterson, State v. 2 Ired. 346	1694,
1709	
State v. 7 Ired. 70	1450,
1451	
State v. 68 Me. 473	1664
State v. 45 Vt. 308	467,
504	
State v. 85 Vt. 308	61, 502
U. S. v. 6 McLean, 466	1829
v. Donner, 28 Cal. 369	
1329	
v. Gaines, 6 How. 550	
1686, 1696, 1697	
v. Kentucky, 97 U. S.	
501	1415
v. People, 46 Barb. 625	38,
493	
v. State, 36 Ala. 297	1498 a
v. State, 66 Ind. 428	455
v. State, 12 Tex. Ap.	
223	1465
Pattison v. Jones, 3 Man. & R. 101;	
8 B. & C. 578	1631
Patton, State v. 4 Ired. N. C. 16	91
Patty, U. S. v. 7 Biss. 429	1494
Paty, R. v. 1 Leach C. C. 72; 2	
East P. C. 1074	1082 d
Pavitt, Com. v. Leg. Int. Nov. 30,	
1883	1641 a
Paul, State v. 5 R. I. 185	102, 1426,
1498 a	
v. Virginia, 8 Wall. 168	1835
Pauli v. Com., 89 Penn. St. 432	671,
717	
Paulk, State v. 18 S. C. 514	50
Payne, People v. 8 Cal. 341	495, 501
People v. 3 Denio, 88	1494
R. v. L. R. 1 C. C. 27; 10	
Cox C. C. 232	1672

TABLE OF CASES.

	SECTION
Payne, R. v. 1 Mood. C. C. 378	418
State v. 86 N. C. 609	61
State v. 1 Swan. 333	241
U. S. v. 22 Fed. Rep. 426	
1356 a	
v. Com. 1 Metc. (Ky.) 370	495
v. People, 6 Johns. 103	880,
954	
Peabody, People v. 25 Wend. 472	
207, 716, 721, 743 a	
Peachey v. Rowland, 13 C. B. 182	
1422	
Peacock, People v. 6 Cowen, 73	657
R. v. R. & R. 278	660
v. State, 40 Ohio St. 333	491
Peak v. State, 10 Humph. 99	1432,
1446	
Pear, R. v. 2 East P. C. 685; 1	
Leach, 212	94
Pearce, R. v. 3 B. & S. 531; 9 Cox	
C. C. 258	1258, 1272
R. v. 9 C. & P. 667	57
R. v. 2 East P. C. 603	916, 964
R. v. Peake (N. P.), 75	1631
State v. 2 Blackf. 318	1715,
1720, 1727, 1737	
State v. Peck, 66	1078
U. S. v. 2 McLean, 14,	87
v. State, 40 Ala. 720	1525
v. State, 1 Snead, 637	1837
v. Whale, 5 B. & C. 38	648,
1617	
Pearsall, State v. 43 Iowa, 630	1459
Pearson, E. v. 4 C. & P. 572	
1828 a,	1829
R. v. 2 Lew. 144, 216	
155, 459	
R. v. 1 Mood. C. C. 313	878
State v. 2 N. H. 550	1108
v. McGowran, 3 B. & C.	
700; 5 D. & R. 616	288,
1206	
Pease, Com. v. 16 Mass. 91	1559, 1577
People v. 30 Barb. 588	1846
People v. 27 N. Y. 81	1833 b
R. v. 4 B. & Ad. 30	1424, 1476
v. State, 13 Tex. Ap. 18	628,
645	
Peat's Case, 2 Lew. C. C. 111	288, 1709
Peck, R. v. 9 Ad. & El. 636; 1 P.	
& D. 508	1348, 1396
v. State, 9 Tex. Ap. 70	915, 974
Peckham, Com. v. 2 Gray, 514	1505
Peddell v. Rutter, 8 C. & P. 337	31 b,
1324	
Peden v. State, 61 Miss. 268	220, 405
Pedley, R. v. 1 Leach, 365, 120	836,
1246, 1283	
Peek v. State, 2 Humph. 78	715, 721,
751	
Peete v. State, 2 Lea, 513	695
Peeter v. State, 3 Tex. Ap. 533	1677
Pefferling v. State, 40 Tex. 486	566
Pegram v. Styrn, 1 Bailey, 595	1269
Pelfryman, R. v. 2 East P. C. 783	857
Pelham, R. v. 8 Q. B. 959	330, 333,
340, 361, 406, 1565, 1585	
Pelletreau, U. S. v. 14 Biatch.	
1827, 1828	
Peltier's Case, 28 How. St. Tr. 530	
282, 1612 a	
Pelts v. State, 3 Black. 23	988, 999
Pemberton, Com. v. 118 Mass. 36	384
State v. 85 Ind. 501	1467
Pembliton, R. v. L. R. 2 C. C. 119	
120, 1070	
Pendergrass, State v. 2 Dev. & Bat.	
365	632
State v. 20 W. Va.	
672	1510
Pendleton v. Com., 4 Leigh, 694	730
Pendry v. State, 18 Fla. 191	1227
Penley, State v. 27 Conn. 587	1138
Penn, U. S. v. 4 Hughes, 491	266
Pennells, State v. 56 Iowa, 29	570
Pennington, State v. 3 Head, 119,	
299	19, 1445
Pennock, Com. v. 3 S. & R. 199	793,
815	
Penns. & Or. St. Nav. Co. v. Shand,	
3 Moore, P. C. 272	962 a
Penny v. Walker, 64 Me. 430	645
Pennybaker v. State, 2 Blackf. 484	
1509	
Penruddock's Case, 5 Co., 100	1426
Penson, R. v. 5 C. & P. 412	1689
Pepper, State v. 68 N. C. 259	20, 1431,
1432, 1469	
Pepys, R. v. Peake (N. P.), 187	
1283	
Percavil, Com. v. 4 Leigh, 686	1082 c,
1082 d	
Perdue, People v. 49 Cal. 425	
v. State, 2 Humph. 494,	
119	718, 723
Perez v. State, 8 Tex. Ap. 610	31
Peri v. People, 65 Ill. 17	117
Perkes, R. v. 1 C. & P. 300	761
Perkins's Case, 2 Lew. C. C. 150	288,
602, 711	
Perkins, R. v. 4 C. & P. 537	142, 215
R. v. 12 Eng. L. & Eq.	
587; 5 Cox C. C. 554;	
2 Den. 459	986
State v. 6 Blackf. 26	1768,
1771, 1777	
State v. 65 Ind. 317	976,
1203	
State v. 67 Ind. 270	1151
State v. 82 N. C. 681	574
761	

TABLE OF CASES.

SECTION		SECTION
Perkins, State v. 42 Vt. 399	1832 a	Phelps, R. v. C. & M. 180; 2 Mood.
State v. 4 Zeb. 409	1835, 1838	240 221, 414, 428, 432
v. Com., 7 Grat. 651	1589	State v. 76 Mo. 319 392
r. People, 27 Mich. 386	727, 733	v. People, 55 Ill. 334 883
Perley, Com. v. 2 Cush. 559	706	v. People, 72 N. Y. 334 938,
Perrin, State v. 2 Brev. 474; 1 Tr.	1512	941, 956, 962 a
Con. Rep. 446	1661	
Perrott, R. v. 2 M. & S. 379	1224	
Perry, Com. v. 8 Phila. 616	967	
E. v. 1 C. & K. 725; 1 Den.		Philadelphia's App., 78 Penn. St.
69	880, 954	33 1415
R. v. 2 Cox C. C. 223	596	Philbrick, State v. 31 Me. 401 1215,
R. v. 6 Cox C. C. 531	600	1227
State v. 5 Jones, 9	97 a, 1552,	Phillips, R. v. 8 C. & P. 736 69, 184,
	1553	551
v. Com. 3 Grat. 632	29	R. v. 2 Str. 921 1253
v. Phipps, 10 Ired. 259	872,	v. Com., 2 Duv. 328 486 a
v. State, 43 Ala. 21	1426	Philley, State v. 67 Ind. 304 617
v. State, 37 Ark. 54	863	Phillip, R. v. 1 Mood. C. C. 263 1897
v. State, 63 Ga. 402	1677	Phillipi v. Bowen, 2 Barr, 20 276,
Petch, R. v. 38 L. T. 788; 14 Cox		287, 1264
C. C. 116	871	Phillips, Com. v. 16 Mass. 423 237
Peter, State v. 8 Jones (N. C.), 19	566	Com. v. 11 Pick. 28 29
State v. 14 La. An. 521	566	People v. 1 Wheel. C. C.
Peters, Com. v. 12 Met. 387	260,	155 634
R. v. 1 C. & K. 245	906, 909	R. v. 3 Camp. 76 592
U. S. v. 3 Dall. 121	1908, n.	R. v. Cas. temp. Hard.
v. State, 67 Ga. 29	446	241 1332
Peterson, People v. 9 Cal. 313	1055	R. v. 6 East, 464 173, 1768,
State v. 41 Vt. 504	1505	1773
v. State, 12 Tex. Ap.		R. v. East P. C. 662 886, 887
650	544	State v. 24 Mo. 475 393
v. State, 14 Tex. Ap. 162		v. Eyre, L. R. 6 Q. B. 1
	576	283, 401
U. S. v. 1 Wood. & M.		v. Innis, 4 C. L. & F.
306	1862, 1868, 1877	284 1431 c
Pets, Com. v. 136 Mass. 155	1528 a	v. State, 68 Ala. 469 159, 519
Petrie, R. v. 4 E. & B. 737	1415	v. State, 36 Ark. 282 644
R. v. 1 Leach, 329 (3d ed.)		v. State, 7 Baxt. 151 1411,
	89, 1246	1412
Petroff, Com. v. 8 Weekly Notes,		v. State, 66 Ga. 755 413
212	1858	v. State, 9 Humph. 246 566
Pettes, Com. v. 114 Mass. 307	237,	v. State, 29 Tex. 226 1432 a
	248, 280, 287	v. State, 2 Yerg. 458 1506
Com. v. 126 Mass. 242	225, 237	v. Trull, 11 Johns. 486 499
Pettigrew v. State, 12 Tex. Ap.		Philpott, R. v. Dears. C. C. 179;
225	34	6 Cox C. C. 140; 20 E.
Pettit, People v. 74 N. Y. 320	1566	L. & Eq. 591 334, 359,
Petty v. State, 6 Bax. 610	457	614, 1567
Pfomer v. State, 4 Parker C. R.		v. Com. 130 Mass. 59 1665
558	486 a	Philpotts, R. v. 1 C. & K. 112 1185,
Pharr v. State, 7 Tex. Ap. 472	381,	1226
	384, 488	R. v. 6 Cox C. C. 363 1280
Phelps, People v. 49 How. Pr. 462		Phinney, State v. 42 Ma. 384 641, 644
	657, 684	Phipoe, R. v. 2 Leach, 673 878, 879
People v. 5 Wend. 10	1263,	Phippen, People v. 62 Iowa, 54 1357
	1296	Phipps, ex parte 4 Cr. Law Mag.
		865; 8 Ontario, App. 1
		R. 77 699

TABLE OF CASES.

SECTION		SECTION
Phipps, State v. 10 Ired. 17	18, 1068,	Pirtle v. State, 9 Humph. 663 50, 52,
	1092	54, 389
Pickard v. Collins, 23 Barb. 444	1412	Pistorius v. Com., 84 Penn. St. 158
Pickens v. State, 61 Miss. 52	477	471, 488
Pickering's Case, 8 Grat. 628	1244,	Pitcher v. People, 16 Mich. 142 783
	1261, 1304	Pitman, R. v. 2 C. & P. 423 923
Pickering v. Rudd, 1 Stark. 48	776	Pittman, State v. 1 Brev. 32 266
Picket, R. v. 2 East P. C. 501	787	Pitt, R. v. 3 Burr. 1335 1848, 1858
Pickett, State v. 11 Nov. 255	577	Pitt, Packet, case of crew of, 4
		Bost. L. Rep. 369 431
State v. 10 Tex. Ap. 290	1557	Pittock v. O'Neill, 63 Penn. St. 253
v. People, 8 Hun. 83	1493	1639
v. U. S. 1 Idaho, N. S.		Pitts, R. v. C. & M. 284 164, 167, 521
523	282 a	v. Gaines, 1 Str. 635; 2 L.
Pickford, R. v. 4 C. & P. 227	1664	Ray. 1402 356
Pierce, Com. v. 11 Gray, 447	1733	v. Miller, L. R. 9 Q. B. 380
Com. v. Mass. 1884; 18		1082 d
Rep. 757 134, 144, 364		Pitzger, State v. 23 Kans. 250 1499
Com. v. 130 Mass. 31	1214	Plainfield, State v. 44 N. J. L. 118
People v. 81 Ill. 98	1136	1510
R. v. Bell, 235; 8 Cox C.		Plummer, State v. 50 Me. 217 1290
C. 344	981 a	Plant, R. v. 7 C. & P. 575 208, 238
R. v. 6 Cox C. C. 117; 20	909, 911	Planter's Ins. Co. v. Tunstall, 72
L. J. 182		Ala. 142 1009
State v. 7 Ala. 728	1070	Plath v. Braunsdorff, 40 Wis. 107
v. State, 13 N. H. 536	1500	1276
Pierson, R. v. 1 Stark. 382 1456, 1741		Platt, Com. v. 11 Phila. 421 52
v. Post, 3 Caines, 175 874		Pleasant v. State, 15 Ark. 624 566,
v. State, 12 Ala. 149 484		568
Pigg v. State, 43 Tex. 108 149, 917		v. State, 8 Eng. (Ark.)
Pigman v. State, 15 Ohio, 555 53		360 557, 563, 564, 577
Pike, R. v. 2 Mood. C. C. 70 695, 697,		Pleasants, ex parte, 4 Cranch C. C.
	699	314 268
State v. 33 Me. 361 1075, 1077		Plestow, R. v. 1 Camp. 494 1214
State v. 15 N. H. 83 266, 1272,		Pliamling v. State, 46 Wis. 516 382,
	1275	384, 392
State v. 49 N. H. 399 42, 43, 49,		Plumbly v. Com., 2 Met. 40 30
	393	Plumer, R. v. R. & R. 264 1621
Pilgreen v. State, 71 Ala. 368 292 a,		v. Smith, 5 N. H. 553 1559
	1532	Plummer's Case, Kel. 117; 1 Hale,
Pilgrim v. Miller, 1 Bradw. 448 288		475 320, 324
Pinchback, State v. 2 Const. S. C.		Plummer, R. v. 1 C. & K. 600 332, 518
128	1491	E. v. 12 Mod. 627 317
Pinckard v. State, 62 Ala. 167 885		v. Com., 1 Bush (Ky.),
Pinckford v. State, 13 Tex. Ap.		76 211, 211.c
403	119	v. State, 4 Tex. Ap. 310 318
Pine, People v. 2 Barb. 566 35, 40,		Plunkett, State v. 64 Me. 534 1528 a
	50, 65	v. Cobbett, 5 Esp. 136 1651
Pines v. State, 50 Ala. 153 769, 774,		v. State, 69 Ind. 68 1503,
	818	1505, 1514
Pinkard v. State, 30 Ga. 757 187, 207,		Plympton, R. v. 2 Ld. Raym. 1377
	241	1858
Pinkman, State v. 81 N. C. 513 606		Poage v. State, 3 Ohio St. 229 689
Pinkney's Case, 2 East P. C. 818 1118		Pocock, R. v. 17 Q. B. 34; 5 Cox
Pinney, R. v. 3 B. & Ad. 947; 5 C.		C. C. 172 130, 154, 339
& P. 254	1555, 1584	R. v. 2 Str. 1157 1603, 1616
Piper, People v. 50 Mich. 370 1563		Poggi, People v. 19 Cal. 600 1055
Pippet v. Hearn, 1 D. & R. 266 1272		Poindexter, State v. 24 W. Va. 805
Pippin, State v. 88 N. C. 646 1733		747
Pirates, U. S. v. 5 Wheat. 184 270,		1860, 1864

TABLE OF CASES.

SECTION		SECTION	
Polk v. State, 62 Ala. 237	1557	Portis, R. v. 40 Up. Can. Q. B. 214	
v. State, 41 Ark. 483	1757, 1762	v. State, 27 Ark. 360	465 a
v. State, 19 Ind. 170	61	Portland, State v. 74 Me. 268	91,
Pollard, Com. v. 12 Met. 225	1277,	1421, 1433	
1281, 1308, 1319		v. Richardson, 54 Me. 46	
State v. 53 Me. 124	875		
v. Lyon, 91 U. S. 225	1741	31 b	
v. People, 69 Ill. 148	1267,	Portwood v. State, 29 Tex. 47	814,
1276, 1277		818	
Pollin v. Brewer, 7 C. B. (N. S.)	371	Posey, Com. v. 4 Call. 109	829, 840
1100		v. State v. 1 Humph. 384	1467 a
Pollman, R. v. 2 Camp. 229	1371, 1375,	Post, R. v. R. & R. 101	677
1390, 1572 b, 1848		Poston v. State, 12 Tex. Ap. 408	242
Pollock v. Pollock, 71 N. Y. 137	1783	Poteet, State v. 86 N. C. 612	1819
Pollok, State v. 4 Ired. 305	1093, 1094	State v. 49 Vt. 202	1733
Polly, R. v. 1 C. & K. 77	806	v. State, 72 Ala. 558	1465 b
Polsten v. State, 14 Miss. 463	839	Poteete v. State, 9 Baxt. 261	414
Pomeroy, Com. v. 117 Mass. 143	63	Potter, People v. 5 Mich. 1	377
v. State, 94 Ind. 96	550,	R. v. 2 Den. C. C. 235; 3	
559, 563		C. & K. 179; 5 Cox C.	
Pomphret, Com. v. Mass. 1884	1519 a	C. 187	796
Pond, U. S. v. 2 Curtis C. C. 265	1827	State v. 1 Ariz. 421	578
v. People, 8 Mich. 150	467, 484,	State v. 28 Iowa, 554	1358,
489, 492, 493, 494, 499,		1382	
501, 502, 505		State v. 30 Iowa, 587	1422,
Poo., People v. 27 Cal. 572	414, 415	1459	
Poole v. State, 2 Baxter, 288	393	State v. 13 Kans. 414	489
Pooley, R. v. (Bodmin Assizes,		State v. 16 Kans. 80	543
1857)	1605	State v. 42 Vt. 95	76, 78, 79
Pope, Com. v. 3 Dana, 418	1771	State v. 52 Vt. 33	1733
R. v. 6 C. & P. 346	907	Pottmeyers, State v. 33 Ind. 402	86
v. State, 9 S. C. 273	825	Potts, R. v. R. & R. 353	211 b,
Popinaux v. State, 12 Tex. Ap. 140	1116	1340 a	
Port, State v. 3 Fed. Rep. 124	409	State v. 4 Halst. 26	730
Porter, Com. v. 1 Gray, 476	1508, 1556	State v. 75 N. C. 129	794
Com. v. 4 Gray, 426	1508	Poulson, Com. v. 6 Penn. L. J. 272	1138
People v. 2 Parker C. R. 14			
20, 1605		Poulton, R. v. 5 C. & P. 329	445
R. v. 12 Cox C. C. 444	414,	Pounders v. State, 37 Ark. 399	88
432		R. v. Dears. 32; 6 Cox C.	
R. v. L. & C. 394; 9 Cox C.		C. 83	1701, 1710
C. 449	139, 330, 333, 360,	Powell, Com. v. 8 Leigh, 719	18
361, 406, 1585		People v. 63 N. Y. 88	84, 85,
State v. 38 Ark. 637	1451, 1457	1341 a, 1373, 1375	
State v. 3 Brev. 175	1576	R. v. 7 C. & P. 640	373 a
State v. 4 Harring. 556	85,	R. v. 2 East P. C. 976	737
1846		R. v. 14 Eng. L. & Eq. 575;	
State v. 2 Hill, (S. C.) 611	1305	2 Den. 403; 5 Cox. C. C.	
1047, 1061		396	869, 877, 880, 882 a
State v. 2 Tread. 694	1572	R. v. 51 L. T. N. S. 713	1141,
U. S. v. 2 Cranch C. C. 60	1126	1170, 1214	
v. Cooper, 6 C. & P. 354	1326	R. v. 2 W. Bl. 787	713
v. State, 27 Ark. 360	1465	Resp. v. 1 Dall. 47	1119, 1130
v. State, 51 Ga. 300	1465 b	State v. 68 N. C. 259	1605
v. State, M. & Yerg. 226	902	State v. 70 N. C. 67	1431,
v. State, 57 Miss. 300	644	1432	

TABLE OF CASES.

SECTION		SECTION	
Powell v. State 12 Tex. Ap. 238	1742,	Preston, R. v. 4 St. Tr. 409	1802,
	1747	v. State, 1806, 1809	
v. State, 13 Tex. Ap. 244	159	U. S. v. 3 Peters, 57	1891
Powell v. Knight, 38 L. T. 360	1082 d	v. State, 25 Miss. 383	455,
Power, Com. v. 7 Met. 596	100, 501,	474, 480	
	622, 627	v. State, 8 Tex. Ap. 30	122
Powers, Com. v. 123 Mass. 244	1498 a,	Pretty v. Bickmore, L. R. 8 C. P.	
	1528 a	201	1422
v. State, 87 Ind. 97	722, 728	Preuit v. People, 5 Neb. 377	392
v. State, 75 N. C. 281	85	Prewitt v. State, 51 Ala. 33	635
Powles, R. v. 4 C. & P. 571	192	Price, Com. v. 10 Gray, 472	715,
Pownell, R. v. W. Kel. 58	1598	720, 1528 a	
Pownell, R. v. 12 Cox C. C. 230	742	Com. v. 8 Leigh, 757	1465 c
Poyntou, R. v. L. & C. 247; 9 Cox		R. v. 5 C. & P. 510	122
C. C. 249	923, 959	R. v. 7 C. & P. 178	462
Poyer, R. v. 2 Den. C. C. 233; 5		R. v. 8 C. & P. 19	78, 79
Cox C. C. 297; T. & M. 559	900,	R. v. 8 C. & P. 282	435, 444
	968	R. v. 8 Cox C. C. 96	213,
Prather, State v. 54 Ind. 63	617	214, 397	
v. State, 12 Tex. Ap. 401		R. v. 3 P. & D. 421; 11 Ad.	
		& El. 727	84, 1832 a, 1835
Pratley, R. v. 5 C. & P. 533	967	R. v. 12 Q. B. D. 247	1432
Pratt, Com. v. 126 Mass. 402	78, 1509	v. Com., 33 Grat. 819	305
Com. v. 132 Mass. 246	977,	v. Hewett, 8 Exch. 146	1149
	1045	v. People, 109 Ill. 109	149,
R. v. 26 Eng. L. & Eq. 574;		211 a, 231, 810	
Dears. 360; 6 Cox C. C.		Priddy v. State, 4 Humph. 429	1554
373	921, 932	Pridgen, State v. 8 Ired. 84	1095
R. v. 4 F. & F. 315	982	Priebnow, State v. 14 Neb. 484	
E. v. 1 Mood. C. C. 250	964,	1082 c	
	972	Priester v. Augley, 5 Rich. (Law)	
State v. 1 Houst. 249	459	44	499, 501
State v. 20 Iowa, 267	901	Priestley, State v. 74 Mo. 24	576
v. Gardner, 2 Cush. 63	1571	Prigg v. Com., 16 Peters, 539	265
v. Hutchinson, 15 East, 511		Primelt, R. v. 1 F. & F. 50	1759
v. State, 19 Ohio St. 277	1851	Primus v. State, 2 Tex. Ap. 369	377
	565,	Prince, R. v. M. & M. 21	1023
	568	R. v. L. R. 1 C. C. 150; 11	
v. State, 35 Ohio St. 514	940	Cox C. C. 193	916, 966, 1164
v. State, 34 Vt. 323	1444	R. v. L. R. 2 C. C. 154	88,
v. State, 54 Vt. 484	1082 d		1756
Pray, Com. v. 13 Pick. 359	1442,	Pringle v. Napee, 14 Canada L. J.	
	1444, 1450, 1466	219	20
People v. 1 Mich. N. P. 69	1188	Prior v. State, 14 Ga. 155	645 d
Preble, R. v. 1 F. & F. 325	439	Pritchard, R. v. 7 C. & P. 303; 1	
Preisker v. People, 47 Ill. 382	576	Lew. C. C. 84	58
Presby, Com. v. 14 Gray, 65	87, 613	Prins, Com. v. 9 Gray, 127	1348
Prescott, State v. 27 Vt. 194	1530	Privett, R. v. 1 Den. C. C. 193; 2	
Preslar, State v. 3 Jones (N. C.),		Cox C. C. 40; 2 C. & K.	
421	163, 164, 330, 332, 340	114	897
Pressler v. State, 13 Tex. Ap. 98	88	State v. 4 Jones (N. C.),	
Presley v. State, 59 Ala. 98	112,	100	135
	319, 383	Prizer, State v. 50 Iowa, 317	1757
Presser v. State, 77 Ind. 274	628	Proberts, R. v. 2 East P. C. 1030	120,
Pressy, R. v. 10 Cox C. C. 635	580		830
Prestney, R. v. 3 Cox C. C. 505	1072	Proprietors New Bedford Bridge,	
Preston, R. v. 2 Den. C. C. 553; 8		Com. v. 2 Gray, 339	91
Eng. L. & Eq. 589; 5		Prosser, R. v. 2 East P. C. 502	802
Cox C. C. 590	107, 902	Protherie v. Matthews, 5 C. & P.	
R. v. 2 Lew. C. C. 193	1473	581	1082 d

TABLE OF CASES.

SECTION		SECTION	
Proud, R. v. L. & C. 97; 9 Cox C. C. 22	1015	Quinlan v. People, 6 Parker C. R. 9	79
Prough v. Entriken, 11 Penn. St. 84	1134	Quinn, Com. v. 12 Gray, 178 State v. 3 Brev. 515 v. People, 2 Hun, 336 v. People, 71 N. Y. 561 781, 783, 803, 815, 816 v. State, 35 Ind. 485	1498 a 628 783 781, 1837
Prowess, R. v. 1 Mood. C. C. 349	291, 930	R.	
Pryor, State v. 30 Ind. 350 U. S. v. 3 Wash. C. C. 187, 1801, 1802, 1803	1138, 1195	Rabe v. State, 39 Ark. 204 State v. 15 Mo. 509 v. Griffith, 7 Ad. & El. 827	1519 1082 d 759
Puckering, R. v. 1 Mood. C. C. 242	875	Rachels v. State, 51 Ga. 374 v. People, 1 C. & K. 707; 1 Den. C. C. 59	1537, 1545 706, 752
Pugh, State v. 2 Hayw. 55 State v. 7 Jones (N. C.) 61	1545 68, 69, 551	Rafferty, Com. v. 133 Mass. 574 v. People, 66 Ill. 118 v. People, 69 Ill. 111	1500 52 414, 417
Pulham, R. v. 9 C. & P. 280	997	v. People, 72 Ill. 37	414, 593
Pulle, State v. 12 Minn. 164	15 a, 1400	Ragg, R. v. Bell, 215; 8 Cox C. C. 262	1159
Pulse v. State, 5 Humph. 108	23 a, 176, 177, 1518	Ragsdale, U. S. v. Hempst. 497	28
Purdy, State v. 36 Wis. 213	1848, 1858	Raiford v. State, 68 Ga. 672 v. State, 59 Mich. 106	1750, 1751 62, 238
Purse, State v. 4 McCord, 472	1428, 1433	Railroad Cars, U. S. v. 1 Abb. U. S. 196	85 a
Putnam, Com. v. 4 Gray, 16 Com. v. 29 Penn. St. 296	1502, 1503, 1527	Railroad v. State, 32 N. H. 215	92
Pybass, State v. 4 Humph. 442	236	Rainbolt v. State, 34 Tex. 286	603
Pyland v. State, 4 Sneed, 357	903	Rainey v. State, 8 Tex. Ap. 624	1557
Pym, R. v. 1 Cox C. C. 339; 1 Russ. on Cr. 702	162	Ralph v. U. S., 11 Biss. 88	1270
Pywell, R. v. 1 Stark. 402	1126, 1350	Ramey v. State, 14 Tex. Ap. 409	1467 a
Q.		Ramsay, R. v. 48 L. T. (N. S.) 733	20, 1605, 1627
Quail, R. v. 4 F. & F. 1076	179	State v. 78 N. C. 448	1556
Quarman v. Burnett, 6 M. & W. 499	1032	State v. 5 Jones (N. C.), 195	474
Quarrier, <i>ex parte</i> , 2 W. Va. 569	1805, 1818	State v. 5 Sneed, 652	1848 b
Quartemas v. State, 48 Ala. 269	1747	Ramsdell, Com. v. 130 Mass. 68	1506, 1528 a
Queen's Case, 2 Brod. & Bing. 284	1401	Rand, Com. v. 7 Met. 475	876,
Queen v. State, 1 Lea, 285	380	State v. 33 N. H. 216	237, 801
Quick, State v. 10 Iowa, 451	936	State v. 51 N. H. 361	1529
Quigley v. Com., 84 Penn. St. 18	381	v. Com., 9 Grat. 738	29, 30
Quimby, Com. v. 6 Bost. Law Rep. (N. S.) 210	1264	Randal v. State, 4 Ssn. & M. 349	910
Quin, People v. 50 Barb. 128 U. S. v. 12 Int. Rev. Rec. 151	562 1836	Randal, Com. v. 24 Grat. 644	22
Quinby's Case, 4 Ct. of Cl. 417	1803	Com. v. 4 Gray, 36	374, 632
Quincy, U. S. v. 6 Pet. 445	1905	R. v. R. & R. 195	696
	766	State v. 2 Aikens, 89	266
		State v. 1 Strobb. 110	1473
		U. S. v. Deady, 555	1827
		Randle, State v. 7 Humph. 9	1843
		State v. 12 Tex. Ap. 250	1726,
		1730	
		v. State, 42 Tex. 580	1491
		Rando, People v. 3 Parker C. R. 335	963

TABLE OF CASES.

SECTION		SECTION	
Randolph, People v. 2 Parker C. R. 174	69, 184, 551	Read, R. v. L. R. 3 Q. B. D. 131	869, 871
U. S. v. 1 Pittsb. 24	683	v. Com., 22 Grat. 924	640
v. Com., 6 S. & R. 398	173,	v. State, 1 Ind. 511	1082 c
	180, 192	v. State, 9 Tex. 521	28
Ranger, R. v. 2 East P. C. 1074	1068	Rankin, R. v. R. & R. 43	457, 470
Rankin, R. v. 3 So. Car. 438	1412,	State v. 3 So. Car. 438	1416, 1425, 1433
	1416, 1425, 1433	Ranney v. People, 22 N. Y. 413	1123,
Ransford, R. v. 13 Cox C. C. 9; 31 L. T. (N. S.) 488	179	Ransford, R. v. 13 Cox C. C. 9; 31 L. T. (N. S.) 488	1126
Ransom v. State, 22 Conn. 153	901, 902	Ransom v. State, 22 Conn. 153	901, 902
Ranson, R. v. R. & R. 232; 2 Leach, 1090	881	Rapp v. State, 14 B. Mon. 614	455
Raspberry v. State, 1 Tex. Ap. 664	634,	Rasberry v. State, 1 Tex. Ap. 664	634,
	645 d	Rasnick v. Com., 2 Va. Cas. 356	221,
			727, 750
Ratekin v. State, 26 Ohio St. 420	797 a	Rathbone, R. v. 2 Mood. C. C. 310; C. & M. 220	149
Raten, People v. 63 Cal. 421	381, 433,	Rathbun, People v. 21 Wend. 509	288,
	493	678, 711, 743, 1680	
Rather v. State, 1 Porter, 132	75, 76	Rattray v. State, 61 Miss. 377	1056
Ratzky v. People, 29 N. Y. 124	30	Rau v. People, 63 N. Y. 277	1505
Ravara, U. S. v. 2 Dallas, 297; Wh. St. Tr. 91	179, 254, 1879	Ravara, U. S. v. 2 Dallas, 297; Wh. St. Tr. 91	179, 254, 1879
Rawles, State v. 65 N. C. 334	182,	Rawles, State v. 65 N. C. 334	182,
	606, 609, 616		606, 609, 616
Rawlings v. State, 2 Md. 201	1499	Rawlings v. State, 2 Md. 201	1499
Hawkins, R. v. 7 C. & P. 150	799	Hawkins, R. v. 7 C. & P. 150	799
Ray, Com. v. 3 Gray, 441	675, 685,	Ray, Com. v. 3 Gray, 441	675, 685,
	695, 739, 740		695, 739, 740
	740	State v. 50 Ala. 89	1465 c
		v. State, 66 Ala. 281	758, 774
		v. State, 15 Ga. 223	455
		v. State, 13 Neb. 55	244
		Raymond, Com. v. 97 Mass. 567	88
		People v. 93 N. Y. 38	30
		State v. 24 Conn. 204	
			1528 a
		State v. 20 Iowa, 582	1302,
			1318, 1319
		State v. 11 Nev. 98	317,
			382
		Raynes, People v. 3 Cal. 366	1465
		Raypholtz, State v. 32 Kan. 450	1474
		Rea, R. v.	1682
		Read, R. v. 1 Den. C. C. 377; 2 C. & K. 957; 3 Cox C. C. 266	
			141, 146, 558, 577, 612
		R. v. Fost. Rep. 98	1606

TABLE OF CASES.

SECTION		SECTION	
Reed v. Northfield, 13 Pick. 94	164	Reside v. State, 10 Tex. Ap. 676	1044
v. State, 16 Ark. 499	282 a	Renck v. McGregor, 3 Vroom, 70	433
v. State, 8 Ind. 200	518	Rew, R. v. J. Kel. 26	159, 163
v. State, 15 Ohio, 217	715, 716	Reynolds, Com. v. 14 Gray, 87	1332
v. State, 8 Tex. Ap. 40	901	Com. v. 114 Mass. 306	1502,
v. State, 9 Tex. Ap. 317	485		1509
v. State, 14 Tex. Ap. 662	814,	Com. v. 120 Mass. 190	439
	818	Com. v. 122 Mass. 454	816
Reel v. Elder, 62 Penn. St. 308	1696	ex parte, 6 Parker C. R.	276
Rees, Com. v. 2 Brewst. 564	1092,	People v. 2 Mich. 422	982
	1094, 1100	R. v. 2 Cox C. C. 170	965
R. v. 7 C. & P. 568	799	State v. 47 Vt. 297	1505,
v. Lawless, Little's Cas. (Ky.)	1091		1528 a
Reese, State v. 83 N. C. 637	1222	U. S. v. 98 U. S. 145	84,
U. S. v. 4 Sawy. 629	1272		85 a, 1682, 1715, 1727
U. S. v. 92 U. S. 214	1832	v. Garry, 28 Conn. 179	1530
v. Mining Co., L. R. 4 H. L. 79	1185, 1225	v. People, 1 Col. T. 149	260
v. State, 73 Ala. 10	94 a, 1504	v. People, 83 Ill. 479	241,
Reeve, R. v. 2 East P. C. 705	851		245
Reeves, R. v. 9 C. & P. 25	445	v. State, 2 N. & McC. 365	
R. v. 5 Jur. (N. S.) 716	1056		1466
v. State, 7 Tex. Ap. 276	810,	v. State, 4 Tex. Ap. 327	
	883		645 d
Rheades v. Com., 15 Penn. St. 272		Rhodes, Com. v. 78 Va. 692	1276, 1291,
			1318
		State v. Phill. N. C. 453	633
		v. State, 1 Houst. C. C. 476	
			117, 388
		v. State, 11 Tex. Ap. 563	905
Rhoner, People v. 4 Parker C. R.		Riedel, State v. 26 Iowa, 430	1138
166	675	Reigart, Com. v. 14 S. & R. 216	29
Rice, R. v. 3 East, 581	1773	Reilley, R. v. 2 Leach, 509	1329
R. v. L. R. 1 C. C. 21	1449, 1456	R. v. Jebb, 51	967
State v. 83 N. C. 661	914	Reilly, People v. 50 Mich. 384	1465 a,
U. S. v. 1 Hughes, 560	402		1497
v. Com., 100 Penn. St. 28	1763	Reilly, State v. 75 Mo. 521	1503
v. Com., 102 Penn. St. 408	1763,	Reins v. People, 30 Ill. 356	506
	1764	Rembert v. State, 53 Ala. 467	695
v. People, 38 Ill. 435	1510	v. State, 56 Miss. 280	1082 d
v. People, 15 Mich. 9	644	Remby, Com. v. 2 Gray, 508	1512,
v. State, 3 Heisk. 215	984, 988		1521
v. State, 56 Iowa, 431	1647	Remington v. Congdon, 2 Pick. 310	1641
v. State (Md. 1885),	1465 a	Remnant, R. v. R. & R. 136; 4 C. & P. 391	938
v. State, 8 Mo. 561	364	Remsen v. People, 57 Barb. 324	955
v. State, 10 Tex. 545	1465, 1486	Reneau v. State, 2 Lea, 239	404, 405
v. State, 10 Tex. Ap. 288	1557	Rennels, State v. 14 La. An. 278	291
v. State, 1 Yerg. 432	740	Rennie's Case, 1 Lew. C. C. 76	48, 49
v. Basterfield, 4 C. B. 783	1412,	Renshaw, R. v. 20 Eng. L. & Eq.	
	1422	593; 2 Cox C. C. 285	180, 614, 1563,
v. Keyser, 54 Penn. St. 86	1100		1567
Richards, Atty.-Gen. v. 2 Anst. 603		Renton, State v. 15 N. H. 169	1546,
	1474 a		1547
People v. 1 Mich. 216	1344,	Renwick v. Morris, 7 Hill (N. Y.),	575
	1346, 1347, 1348	1426	
v. 1 C. & K. 532	886	Repsher v. Wattson, 7 Penn. St. 365	355
v. 11 Cox C. C. 43	852,		
	1684		

TABLE OF CASES.

SECTION		SECTION	
Richards, R. v. 13 Cox C. C. 611	232	Ridenour v. State, 65 Ind. 411	1557
R. v. 7 D. & R. 665	1286	v. State, 38 Ohio St. 292	193,
R. v. R. & R. 28	867		582
R. v. R. & R. 193	696	Ridgeley, R. v. 1 East P. C. 171	750
State v. 39 Conn. 591	34, 35,	Ridgway, R. v. 3 F. & F. 838	1154,
	46		1159
v. Com., 13 Grat. 803	885,	Ridley, R. v. 2 Camp. 650	335, 359,
	886, 964		360, 1565
Richardson, Com. v. 126 Mass. 34		Ridout v. State, 6 Tex. Ap. 249	608 a,
	1695, 1711		612, 636
R. v. 6 C. & P. 335	988	Riebe, State v. 27 Minn. 315	682
R. v. 1 F. & F. 488	1184	Riflemaker v. State, 25 Ohio St.	
R. v. 2 F. & F. 343	1062 a	395	581
U. S. v. 5 Cranch C. C.		Rigg, State v. 10 Nev. 284	606, 644
348	603, 607	Riggs, State v. 39 Conn. 498	1651
v. Com., 76 Va. St.		State v. 1 Houst. C. C. 120	559
1007	1519, 1522	State v. 22 Vt. 321	1411, 1448
v. Rowland, 40 Conn.		v. State, 3 Cold. 85	94
565	292 a, 1854	v. State, 26 Miss. 51	292, 512,
v. State, 54 Ala. 158	575,		538
	577	Rigmardon, R. v. 1 Lew. C. C. 180	
v. State, 34 Tex. 142		305, 319, 351, 369, 519	
	1733	Riley, Com. v. 14 Bush, 44	1498 a, 1517
v. State, 37 Tex. 346		Com. v. Thach. C. C. 471	494
	1721 a, 1747	R. v. 1 Eng. L. & Eq. 545;	
v. State, 7 Tex. Ap.		6 Cox C. C. 88; 1 Dears.	
486	493	149 884, 885, 892, 901, 958	
v. State, 9 Tex. Ap.		State v. 9 Humph. 646	292, 384
612	455	U. S. v. 5 Blatchf. 204	1521
v. Webster, 3 C. & P.		v. State, 16 Conn. 47	1678
128	1848	v. State, 9 Humph. 646	377, 512
v. Zuntz, 26 La. An.		v. State, 43 Miss. 397	1499, 1518
313	618	Rinaldi, R. v. L. & C. 330; 9 Cox	
		C. C. 391	675, 681
Richels v. State, 1 Sneed, 606	603, 609	Rindskopf, U. S. v. 6 Biss. 259	1356 a,
Richeson, State v. 45 Mo. 575	1500		1373
Richie v. State, 58 Ind. 355	141, 568,	Ring, State v. 29 Minn. 78	1063
	575, 636	Ringer, State v. 6 Blackf. 109	1556
Richmond, People v. 29 Cal. 414	94 a	Ringgold, U. S. v. 5 Cranch C. C.	
R. v. 12 Cox C. C. 495	1055	378	1466
Richter v. Cummings, 60 Penn. St.		Ripley, State v. 31 Me. 386	1343, 1382
441	31	Rippy, State v. 2 Head, 217	489
Rickart v. People, 79 Ill. 85	1519,	Risk v. State, 19 Ind. 152	1744, 1763
	1519 a	Ritchie, State v. 2 Dev. & B. 29	1466,
Ricker, State v. 29 Me. 84	237		1522 a
Rickett, People v. 8 Cow. 226	1083,	Ritson, R. v. 15 Cox C. C. 478; 50	
	1097, 1103, 1105, 1110	L. T. (N. S.) 727	
Ricketts, R. v. 3 Camp. 68	87, 419,	R. v. L. R. 1 C. C. 200; L.	
	649	J. M. C. 10	653, 657, 663,
Rickey, State v. 4 Halst. 293	1348,		682
	1350	Ritte v. Com., 18 B. Mon. 35	1465 a
Rickman, R. v. 2 East P. C. 1034	836,	Rivers, State v. 60 Iowa, 381	883, 938
	841	Roach, State v. 74 Me. 562	1498 a,
Ricord, ex parte, 11 Nev. 287	1012,		1528 a
	1024, 1053	State v. 75 Me. 123	1505
v. State, 15 Nev. 167	931, 1044	v. People, 77 Ill. 25	100, 488
Riddle, Atty.-Gen. v. 2 Crompt. & J. 493	247	v. State, 34 Ga. 78	485
U. S. v. 4 Wash. C. C. 644	1860, 1862, 1885	v. State, 8 Tex. Ap. 478	393
v. State, 49 Ala. 389	628	Roadley, R. v. 14 Cox C. C. 463	146,
			612

TABLE OF CASES.

SECTION	
Roane, State v. 2 Dev. 58	307, 344,
373 a, 405, 433, 495, 497	
Robb, R. v. 4 F. & F. 59	1756
v. Connolly, 111 U. S. 624	266,
	267
Robberson v. State, 3 Tex. Ap. 502	1241
Robbins, State v. 78 N. C. 431	97 a
v. People, 95 Ill. 175	1467,
	1520
v. Smith, 47 Conn. 182	1741
v. State, 20 Ala. 36	633
v. State, 8 Ohio St. 131	279,
	292
v. Treadway, 2 J. J. Marsh.	540
	1611
Roberge v. Burnham, 124 Mass. 277	
	1512 a
Roberson v. Lambertville, 38 N. J. L. 69	1499, 1511
Roberts' Case, 1 Dall. 39; 2 Dall. 124	395
Roberts, Com. v. 1 Cush. 505	1516
Com. v. 132 Mass. 267	1504,
	1509
R. v. 2 C. & K. 607	1319, 1322
R. v. 1 Camp. 399	1349,
	1371, 1404
R. v. 4 Cox C. C. 145	425
R. v. 14 Cox C. C. 101	1315
R. v. 2 East P. C. 487	778
R. v. 33 Eng. L. & Eq. 539; Dears. 553;	7
	Cox C. C. 39
	173, 176,
	180, 181, 750
R. v. 38 L. T. (N. S.) 690	
	1262, 1263
Resp. v. 1 Dall. 39	107, 1809
Resp. v. 2 Dall. 124; 1 Yeates, 6	1720, 1737
State v. 1 Hawks, 351	458,
	478, 479
State v. 11 Humph. 539	1267
State v. 34 Me. 320	1348
State v. 52 N. H. 492	139,
	407, 1570
State v. 55 N. H. 483	1502
v. Brown, 10 Bing 519	1639
v. Cook, 20 How. 467	1854
v. Egerton, L. R. 9 Q. B. 494	88
v. O'Connor, 33 Me. 496	1542
v. People, 99 Ill. 275	1313
v. People, 19 Mich. 401	47,
	48, 53, 55
v. Preston, 9 C. B. (N. S.) 208	247, 1082
v. Rose, 3 H. & C. 162	1426
v. State, 68 Ala. 515	455 a
v. State, 7 Cold. 359	830
v. State, 3 Ga. 310	40, 44

TABLE OF CASES.

SECTION		
Robinson, State v. 20 W. Va.	713	
	48, 49, 389	
U. S. v. (Cir. Ct. Kansas, 1859)	1811	
v. Baugh, 31 Mich. 290		
	1417	
v. Com., 6 Bush, 309	1689,	
	1700	
v. Com., 101 Mass. 27	1664,	
	1665	
v. Jones, 20 Alb. L. J. 202	1619	
	319, 623	
v. State, 54 Ala. 86	108,	
	606	
v. State, 38 Ark. 641	1503	
v. State, 1 Cold. 120	957	
v. State, 66 Ind. 331	717	
v. State, 53 Md. 151	810	
v. State, 73 Mo. 306	388	
v. State, 8 Ohio St. 132		
	592	
v. State, 31 Tex. 170	183,	
	403	
v. State, 11 Tex. Ap.	905	
Robinson v. State, see Robinius v. State.		
Robison, Penn. v. Addis, 14	1091,	
	1093	
Robson, R. v. R. & R. 413	974	
	R. v. L. & C. 93; 9 Cox C. C. 29	1056
Roby, Com. v. 12 Pick. 496	575	
	People v. 17 Mich. 1884; 17 Rep. 626	88, 247, 1503
Rockwell, People v. 39 Mich. 503	169	
Roddy v. Finnegan, 43 Md. 490	649,	
	652	
Roderick, R. v. 7 C. & P. 795	173	
Roderigas, People v. 49 Cal. 9	1756,	
	1757	
Rodes, Com. v. 6 B. Mon. 171	1572,	
	1572 b	
Rodgers v. People, 66 N. Y. 360	802	
	U. S. v. 1 Mack. 419	964
Rodway, R. v. 9 C. & P. 784	884, 974	
	Roe, R. v. 11 Cox C. C. 554	869
	State v. 12 Vt. 93	841
Roebrick, R. v. 36 Eng. & Eq. 631; D. & B. 24; 7 Cox C. C. 126	1157,	
	1178, 1187, 1229, 1230	
Rogers, Com. v. 7 Met. 500	34, 35,	
	37, 40, 44, 46, 61, 65, 87	
	Com. v. 1 S. & R. 124	1103,
	1110	
ex parte, 10 Tex. Ap. 655	287,	
	288	
People v. 18 N. Y. 9	51	
R. v. 8 C. & P. 629	660	
R. v. 14 Cox C. C. 22; L. R. 3 Q. B. D.	177, 1459	
	288	

SECTION		
Rogers, State v. 18 Kans.	476, 485	
R. v. 37 L. J. M. C. 83	989	
R. v. L. R. 3 Q. B. 28	291	
State v. 39 Mo. 431	1510	
R. v. 2 Mood. C. C. 85	221	
U. S. v. 3 Sumner, 342	1876,	
	1877, 1880	
v. Com., 5 S. & R. 463	186,	
	644, 1343	
v. People, 34 Mich. 345	568	
v. People, 3 Parker C. R. 632	51	
v. Spalding, 1 Up. Can. (Q. B.) 258	1636	
v. State, 62 Ala. 170	493	
v. State, 33 Ind. 543	53, 55, 64	
v. State, 11 Tex. Ap. 606	288	
Rogier, R. v. 1 B. & C. 272	1450, 1466	
Rohfrisch, State v. 12 La. An.	382	
	22, 831	
Rohrbacher v. Mayor, 51 Miss.	735	
	1580	
Roland, Com. v. 12 Gray,	132	
	1499	
Rolland v. Com., 82 Penn. St.	306	
	759, 762, 765, 771	
v. Com., 85 Penn. St. 66	762	
Rollins, State v. 8 N. H.	550	
	15 a,	
	17, 146, 590, 591	
Romine, Terr. v. 2 New Mex.	114	
	543	
Ronan v. Dugan, 126 Mass.	176	
	1744	
Reed, State v. 12 Vt.	396	
	1697	
Roode v. State, 5 Neb.	174	
	696	
Rooke, R. v. 1 F. & F. 107	1081	
Root v. Com., 98 Penn. St.	170	
	1473	
v. King, 7 Cow. 613	1645	
Roper, State v. 1 Dev. & Bat.	208	
	1431, 1469	
State v. 3 Dev. 473	904, 910	
	v. State, 88 N. C. 656	833
Rose, People v. 12 Johns.	339	
	1676	
State v. 20 La. An.	143	
	239	
State v. 32 Mo. 560	19, 1468,	
	1469	
Rosenberg, R. v. 1 C. & K. 233;		
1 Cox C. C. 21	920	
Rosienski, R. v. 1 Mood. C. C. 12	613	
Ross, Com. v. 2 Mass. 373	730	
	in re, 2 Pick. 165	30
Resp. v. 2 Yeates, 1	1263, 1400	
State v. 2 Dutcher,	224	
	102,	
	467, 623	
State v. 4 Jones (N. C.) 315		
	1093	
State v. 25 Mo. 426	576 a	
State v. 29 Mo. 32	222	
U. S. v. 1 Galvin, 624	220, 229,	
	396	
v. Com., 2 B. Monr. 417	173,	
	177, 1459	
v. People, 5 Hill (N. Y.),	294	
	975	

TABLE OF CASES.

SECTION		SECTION	
Ross v. Rouse, 1 Wend. 475	1281	Rum, State v. 35 N. H. 222	1528 a
v. State, 2 Dutch. 224	1556	Rump v. Com., 30 Penn. St. 475	266,
v. State, 59 Ga. 248	455		1267, 1275
v. State, 10 Tex. Ap. 455	414	Rundle v. Canal Co., 14 How. 80	288
Rosvally v. U. S., 3 Ben. 157	700	Rung v. Shoneberger, 2 Watts, 23	
Roswell, State v. 6 Conn. 446	1700		1426, 1473
Roten, State v. 86 N. C. 705	1557	Runnels v. Fletcher, 15 Mass. 525	
Roth v. State, 10 Tex. Ap. 27	928		1576
Rothwell, R. v. 12 Cox C. C. 145	455	Runnels, Com. v. 10 Mass. 518	1546,
Roudenbush, U. S. v. 1 Bald. 514	53,		1551
	54	Runnyan v. State, 57 Ind. 80	486 a
Rough v. Com., 78 Penn. St. 495	1510	Rupe, State v. 41 Tex. 33	597, 601
Roundtree v. State, 58 Ala. 382	909	Rupp, Com. v. 9 Watts, 114	1570,
v. State, 10 Tex. Ap.			1589, 1842
110	206, 414	Rush, Com. v. 14 Penn. St. 186	1473
Rourke, Com. v. 10 Cush. 397	882 a	v. State, 79 Ind. 488	1505
Rouse v. State, 4 Ga. 136	746	Rushby, R. v. 2 Ch. C. L. 536	1861
Rover, State v. 10 Nev. 388	543	Rushing, State v. 69 N. C. 29	988
Rowe v. Titus, 1 Allen (New		Rushworth, R. v. R. & R. 317	697
Brnn.), 326	1478	Russell, R. v. 6 B. & C. 566; 9 D.	
Rowed, R. v. 2 G. & D. 518; 3 Q.		& R. 566	1416, 1477,
B. 180; 6 Jnr. 396	580		1478
Rowland, People v. 1 Wheel. C. C.		R. v. C. & M. 541	826
286	1456	R. v. 6 East, 427	1474
v. Burton, 2 Harr. (Del.)		R. v. 1 Mood. C. C. 356	216,
288	681	237, 449, 767	
Rowlands, R. v. 2 Den. 364; 17		State v. 45 N. H. 83	1541,
Q. B. 671; 5 Cox C.			1546
C. 436; 9 Eng. L. &		v. Com., 3 Bush, 469	1848,
Eq. 287	1349, 1359,		1858, 1859
1366, 1367, 1382		v. Shenton, 2 G. & D. 573	1422
R. v. 8 Q. B. D. 530	1239	v. Sloan, 33 Vt. 656	1506,
Rowle, People v. 2 Mich. N. P. 209			1507
	1751	v. State, 72 Ala. 222	1466
Rowley, R. v. R. & M. (N. P.) 299		Russen, E. v. 1 East P. C. 438	555
	1305, 1306	Rust, People v. 1 Caines, 131	1579
State v. Brayton, 76	735	R. v. 1 Mood. C. C. 184;	
State v. 12 Conn. 101	1130,	Car. C. L. 293	778, 790
1174, 1348, 1349, 1359		State v. 35 N. H. 438	1514
Roxburgh, R. v. 12 Cox C. C. 8	506	Rutherford, State v. 1 Hawks. 457	
Royal, People v. 53 Cal. 62	1764 a	307, 405, 434, 487, 497	
Royall, U. S. v. 3 Cranch C. C. 618		State v. 13 Tex. Ap.	
	1442, 1445	92	608 a
Royley's Case, 1 Hale, 453; Post.		Rutter v. State, 14 Tex. Ap. 57	1735
294; 12 Co. Rep. 87	458, 473	Rylls v. Leader, L. R. 1 Exch.	
Ruby, State v. 68 Me. 543	1498 a,	296	1639
	1524	Ryan, Com. v. 9 Gray, 137	1513
Rucker v. State, 7 Tex. Ap. 549	227	Com. v. 136 Mass. 436	1498 a,
Rudland, R. v. 4 F. & F. 967	557		1517, 1528 a
Ruff v. Phillips, 50 Ga. 130	1426	R. v. 2 Cox C. C. 115	660
Rugg, R. v. 12 Cox C. C. 16	1565	R. v. 2 M. & R. 213	176
Ruggles, Com. v. 10 Mass. 391	1480	v. State, 62 Ind. 167	640
People v. 8 Johns. 290	20,	State v. 13 Minn. 371	537
	1605	v. State, 46 Ga. 128	1173
U. S. v. 5 Mason, 192	630 a,	Rycroft, R. v. 6 Cox C. C. 76	1386
	1665, 1885	Rye, State v. 35 N. H. 368	1473
Ruhl, State v. 8 Iowa, 447	88, 120,	v. State, 3 Tex. Ap. 163	377
	586, 1756, 1761	Ryland, R. v. L. R. I. C. C. 99; 10	
Ruloff v. People, 45 N. Y. 213	218,	Cox C. C. 569	831, 334, 359, 1563,
	220, 396, 495, 497		1566, 1567

TABLE OF CASES.

SECTION		SECTION	
Rymer, R. v. L. R. 2 Q. B. D. 136;		Sanford v. Nichols, 13 Mass. 210	425
13 Cox C. C. 378	1587	Sands, People v. 1 Johns. 78	1414,
Rymes, R. v. 3 C. & K. 326	1235		1441
Rynders, People v. 12 Wend. 425	745	Sandy, State v. 3 Ired. 570	794, 826,
		v. State, 60 Ala. 58	837, 841
		1171, 1212,	
		1224	
S.		Sandys, R. v. 1 C. & M. 345; 2	
		Mood. C. C. 227	536
S. e. A., 39 L. T. (N. S.) 128	553	Sanford v. State, 12 Tex. Ap. 196	576 a
Sacia, U. S. v. 2 Fed. Rep. 754	1356 a	Sankey, Com. v. 22 Penn. St. 390	
Sa-coo-da-eut, U. S. v. 1 Abb. C.			674, 702, 1126
C. 377	282 a	Sansbury v. State, 4 Tex. Ap. 99	876
Safford v. People, 1 Parker C. R.		Santissima Trinidad, The, 7 Wheat.	
474	1757, 1758	283	1905, 1907, 1908, n.
Sainsbury, R. v. 4 T. R. 451	24	Santo v. State, 2 Iowa, 202	1530
Sales, State v. 2 Nev. 268	1859	Sarah v. State, 28 Miss. 268	517
Salisbury, R. v. 5 C. & P. 155	1017,	Sargent, Com. v. 129 Mass. 115	1300
	1828 a	Sarmou, R. v. 1 Burr. 516	1473
Salmon, R. v. L. R. 6 Q. B. D. 79	344	Sasser v. State, 13 Ohio, 453	660, 716,
R. v. R. & R. 26	1082 c		720, 721
Salorse, People v. 62 Cal. 139	1009	Sattler, R. v. Dears, & B. C. C. 525;	
Salt, R. 3 F. & F. 834	715	7 Cox C. C. 431	269
Sam, State v. Winston (N. C.),	300	v. People, 59 Ill. 68	1072 a
	69, 551	Saunders Case, 2 Plowd. 473; 1	
		Hale's P. C. 436	120, 154, 226
Sampson, Com. v. 97 Mass. 407	863,	Saunders's Case, 59 L. T. 133	667
	1431 c	Saunders, People v. 25 Mich. 120	1376
Com. v. 114 Mass. 318	1498 a	People v. 29 Mich. 269	
v. Com., 5 W. & S. 385	237,		1460 a
	825	R. v. 7 C. & P. 277	317,
Sampson, State v. 12 S. C. 567	783	331, 359, 519, 1565	
v. Henry, 13 Pick. 36	1100,	R. v. 8 C. & P. 265	561, 576
	1105	R. v. L. R. 1 Q. B. D. 15;	
Samuel, State v. 3 Jones (N. C.)		74	13 Cox C. C. 116,
		459, 496	1432,
v. Payne, 1 Dougl. 359	414,		1468, 1470
	434	State v. 63 Mo. 482	1227
Samways, R. v. 26 Eng. L. & Eq.		v. Mills, 6 Bing. 213; 3	
576; Bears. 371	927, 956	N. & P. 520	1639
Sanabria v. People, 24 Hun. 270	740	v. People, 38 Mich. 218	149
Sanborn, Com. v. 116 Mass. 61	1531	v. Prickett, 19 Wal.	
		146	1173
Carlton, 15 Gray, 399	267	Saunder v. People, 8 Hun. 302	1714
Sanchez v. People, 22 N. Y. 8 E.		Savage, State v. 48 Iowa, 562	1343
P. Smith, 147	532	State v. 78 N. C. 520	484
Sander, U. S. v. 6 McLean, 598	1827,	U. S. v. 5 Mason, 460	1876,
	1829		1878, 1880, 1881
Sanderlin v. State, 2 Humph. 35	1498 a	v. State, 18 Fla. 909	211 a
		Savannah Pirates, Case of (Pamph.	
Sanders, R. v. 9 C. & P. 79	792	N. Y.)	1860
		Savory, Com. v. 10 Cush. 535	982
State v. 30 Iowa, 582	1700,	Savoye, State v. 48 Iowa, 562	1361
	1720, 1724, 1732	Sawtelle, Com. v. 11 Cush. 142	952
v. State, 18 Ark. 198	223,	Sawyer, R. v. R. & R. 294	515
	1475	R. v. 1 Russ. Cr. & M. 670	448
v. State, 60 Ga. 126	142, 1535	v. State, 35 Ind. 80	65, 459
v. State, 94 Ind. 147	50	Saxby v. R. R., L. R. 4 C. P. 198	1422
v. State, 76 Mo. 35	532	Sayer v. Glossop, 2 C. & K. 694	2
Sanderson, Com. v. 3 Penn. L. J.		Exch. 409	1697
269; 5 Clark (Pa.)		R. v. 1 F. & F. 37	1081
54	1632 a, 1643, 1644	Saylor, State v. 6 Lea, 586	841 a
		778	

TABLE OF CASES.

SECTION	SECTION
Sayres v. Com., 88 Penn. St. 290	61
Scales v. State, 7 Tex. Ap. 361	218,
	929
Scammon, State v. 2 Foster (N. H.)	
44	650
Scannal, Com. v. 11 Cush. 547	572,
	574
Scarlett's Case, 12 Co. 98	1838 b
Scarlett, State v. 38 Ark. 563	1499
Scates, State v. 5 Jones N. C. 420	
	155 a, 160, 166
Scattergood v. Sylvester, 15 Q. B.	
506	981 a
Schaffner v. State, 8 Ohio St. 642	
	1506, 1519
Schaller v. State, 14 Mo. 502	56
Schaunhurst, State v. 34 Iowa,	
547	1750, 1752
Schele, State v. 52 Iowa, 608	641
Schenck, People v. 2 Johns. 479	291,
	930
Schenkner v. State, 9 Neb. 300	380
Schewe, People v. 29 Hun. 122	1505
Schiememan, State v. 64 Mo. 386	
	1556, 1557
Schill, State v. 27 Iowa, 263	1288,
	1296
Schingen, State v. 20 Wis. 74	53, 957
Schlesinger R. v. 10 Q. B. 670;	
2 Cox C. C. 200	
89, 1246, 1277, 1283, 1304	
v. State, 11 Ohio St.	
669	1175
Schliet v. State, 31 Ind. 246	1431,
	1500, 1505
Schlottman, State v. 52 Mo.	1411,
	1442
Schmail, State v. 25 Minn. 370	1500
Schmeid, ex parte, 1 Dill. 587	267
Schmidt, People v. 63 Cal. 28	303, 517
R. v. 10 Cox C. C. 172;	
L. R. 1 C. C. 15	990 a
v. State, 14 Mo. 137	94, 223,
	1503, 1504
Schnedley v. State, 23 Ohio St. 130	
	997
Schnicker v. People, 88 N. Y. 192	586,
	590, 1765
Schnier v. People, 23 Ill. 17	488, 489
Schoenhutt, Com. v. 3 Phila. 26	
	1498 a
Schofield, R. v. Cald. 400	179, 830
School, R. v. 26 Up. Can. Q. B.	
212	1794
Schoyer, U. S. v. 2 Blatch. 59	728 a
Schriedley v. State, 23 Ohio St. 130	89
Schryber, Resp. v. 1 Dall. 68	1105,
	1106, 1108
Schryver, People v. 42 N. Y. 1	808
Schults, U. S. v. 6 McLean, 121	46

TABLE OF CASES.

SECTION	SECTION
Searl, State v. 1 Rich. 30	925
Seasrist, U. S. v. 4 Blatch. 420	270,
	1876, 1880
Seals, State v. 16 Ind. 352	1700
Seaman v. Com., 11 Weekly Notes,	
14	247, 1431 a
v. Netherclift, L. R. 1 C.	
P. D. 540	1638
People v. 8 Cow. 499	1833 b
Sear, R. v. 1 Leach, 415 n.	903
Searing, R. v. E. & R. 350	872, 1076
Searle, Com. v. 2 Binn. 332	697, 703,
	705, 711, 713, 731
v. State, 56 Vt. 516	1720
Searles v. People, 13 Ill. 597	1733,
	1747
Sears v. Dennis, 105 Mass. 310	164
Seay, State v. 3 Stew. (Ala.) 123	930
Seberg, R. v. L. R. 1 C. C. 264	292
Seborn v. State, 51 Ga. 164	641
Sedley, R. v. 1 Sid. 168; 1 Keb.	
620	1468
R. v. 2 Strange, 791	1606
Seed, Com. v. 5 Penn. L. J. 78	632
Seer, Com. v. 2 Va. Cas. 65	704
Sefton, R. v. R. & E. 202	803
Segur v. State, 6 Ind. 451	1516
Seibert, Com. v. Whart. on Hom.	
507	489
State v. 40 Ala. 60	1503
Seiler v. People, 77 N. Y. 411	78, 79
Seim v. State, 55 Md. 566	1519 a
Seip v. Storch, 52 Penn. St. 210	31
Seitz v. State, 23 Ala. 42	196
Self's Case, 1 East P. C. 226; 1	
Leach, 137	360
Selfridge's Case, Whart. on Hom.	
App. 38, 304, 405, 485, 489	
Sellen v. Norman, 4 C. & P. 80	360
Sellers, State v. 7 Rich. 368	1570
Sellis, R. v. 1 Mood. C. C. 850	445
Selsby, R. v. 5 Cox C. C. 495 n.	1366
Selten, R. v. 11 Cox C. C. 674	122,
	480, 482
Selvidge v. State, 30 Tex. 60	213, 218
Semayne's Case, 5 Co. 92	439, 494,
	505
Semmes v. U. S., 91 U. S. 21	1783
Semon, People v. 42 Mich. 41	1744
Semple, R. v. 1 Leach, 420; 2 East	
P. C. 691	964
Senior, R. v. L. & C. 409; 9 Cox	
469	1257
R. v. 1 Mood. C. C. 346	362,
	445, 592
Senser v. Bower, 1 Penn. R. 450	1700
Sequestration Cases, 30 Tex. 700	310
Sergeant, People v. 8 Cow. 139	1463,
	1465, 1465 b
Sergeant, R. v. 1 R. & M. 352	75, 79
Searle's Case, 1 Latch. 202	1117,
	1126
Serva, R. v. 1 Dan. C. C. 104	269
Server v. State, 2 Blackf. 35	1315
Sevailles, Terr. v. 1 New Mex. 119	645 d
Seven Bishops' Case, 12 How St.	
Tr. 331	1620, 1628
Severn R. R. Co., R. v. 2 B. & Ald.	
646	91
Seward, R. v. 1 Ad. & El. 706;	3
N. & M. 557	1358, 1362,
	1371, 1382
State v. 42 Mo. 206	644
Sewell, State v. 3 Jones (N. C.),	
245	48, 63
Seymour, ex parte, 1 Ben. 348	268
State v. 36 Me. 225	817
v. State, 15 Ind. 288	850
v. State, 12 Tex. Ap.	
391	884
Shaber, People v. 32 Cal. 36	818
Shackle, State v. 29 Kan. 341	1517
Shadley, State v. 16 Ind. 230	1078,
	1082 a
Shaffer, Com. v. 4 Dallas, Ap.	
xxvi.	266
v. Kentizer, 1 Binn. 542	1269
v. State, 59 Iowa, 290	819,
	820
Schaffner v. Com., 72 Penn. St. 60	385
Shaher v. State, 20 Ohio, 1	1690,
	1796
Shainwold, People v. 51 Cal. 468	831,
	839
Shall, People v. 9 Cow. 778	696, 739
Shanks, State v. 66 Mo. 560	1258, 1294,
	1304
v. State, 25 Tex. Sup. 326	669
Shannahan v. Com., 8 Bush. 463	49,
	51, 54, 491
Shannon v. Com., 14 Penn. St.	
226	1339
v. People, 5 Mich. 36	1563
v. Shannon, 4 Allen,	
134	1695
Sharley v. State, 54 Ind. 168	728 a
Sharman, R. v. Dears. C. C. 285;	
6 Cox C. C. 312; 24 Eng. L. &	
Eq. 553	653, 685, 687, 705, 706
Sharp, U. S. v. 1 Pet. C. C. 118	63,
	1877, 1881
v. Cropsey, 11 Barb. 224	359
v. State, 71 Mo. 218	379, 380
v. State, 19 Ohio St. 379	494,
	641
v. State, 6 Tex. Ap. 650	207
v. State, 15 Tex. Ap. 173	557
Sharpe, R. v. 3 Cox C. C. 288	187, 226,
	1542

TABLE OF CASES.

SECTION		SECTION
Sharpe, R. v. 7 Cox C. C. 214; 40 Eng. L. & Eq. 581; D. & B. 160 19, 1432 a		Shelledy, State v. 8 Iowa, 477 320 Shelley, State v. 11 Lea, 594 264, 1275
Sharpless, Com. v. 2 S. & R. 91 19, 1472, 1606, 1609 R. v. 1 Leach, 108; 2 East P. C. 675 974		Shellmire, U. S. v. Bald. C. C. 370 713, 743 a, 744, 1245, 1246, 1250
Shattuck, Com. v. 4 Cush. 141 24, 1094, 1107 Com. v. 14 Gray, 23 1498 a v. Allen, 4 Gray, 540 1650 v. State, 51 Miss. 575 1668, 1679 v. Woods, 1 Pick. 171 1576		Sheeters, State v. 51 Vt. 102 682 Shelton, State v. 79 N. C. 605 652 Shepard, Com. v. 1 Allen, 575 1030, 1053 State v. 7 Conn. 54 576 State v. 82 N. C. 614 1101 U. S. v. 1 Abb. U. S. 431 255 v. People, 40 Mich. 487 1455
Shaver, Com. v. 3 W. & S. 338 1848, 1858 v. Linton, 13 Up. Can. (Q. B.) 534 1650		Shepardson, People v. 48 Cal. 189 238 Shephard, State v. 7 Conn. 54 561 State v. 10 Iowa, 126 130, 182, 606
Shaw, Com. v. 4 Allen, 308 863, 924 Com. v. 116 Mass. 8 1498 a, 1520 Com. v. 134 Mass. 221 185, 576 a, 606 Com. v. 7 Met. 52 1836, 1837, 1840, 1845 People v. 1 Parker C. R. 61 176, 640 R. v. 6 C. & P. 372 473, 475 R. v. L. & C. 579 1319 R. v. L. R. 1 C. C. 145 45 State v. 2 Dev. 198 1514 State v. 31 Me. 523 833 State v. 32 Me. 570 1500 State v. 35 N. H. 217 1512 b v. Charitie, 3 C. & K. 21 439 v. State, 56 Ind. 188 1506		Shepherd, R. v. 9 Cox C. C. 123; L. & C. 147 330, 331, 334, 335, 339, 1563, 1566 R. v. 11 Cox C. C. 325 1366 U. S. v. 1 Hughes, 520 254 v. People, 19 N. Y. 537 830, 836, 837, 841, 843 v. People, 25 N. Y. 406 30 v. State, 54 Ind. 25 530, 536 v. State, 42 Tex. 501 819
Shaw-mux, U. S. v. 2 Sawy. 118 282 a Shay v. People, 22 N. Y. 317 22, 223 Shea, Com. v. 115 Mass. 102 1498 a, 1520 R. v. 7 Cox C. C. 147 902 Shean, State v. 32 Iowa, 88 1757 Shear, State v. 51 Wis. 460 575 Shearer v. State, 7 Blackf. 99 1500 Shearman, Com. v. 11 Cush. 546 1512 Shed, Com. v. 1 Mass. 227 85, 1571, 1576 Shedd, Com. v. 7 Cush. 514 1348, 1382, 1383 Shee, State v. 13 R. I. 535 79 Sheeley, State v. 15 Iowa, 404 1834 Sheets, State v. 89 N. C. 543 1070, 1071 Sheffield, R. v. 2 T. R. 106 93 Shelderton, R. v. 2 Keb. 221 93 Sheldon, U. S. v. 2 Wheat. 119 28 Shell v. State, 6 Humph. 283 18, 1067 Shellard, R. v. 9 C. & P. 277 1356, 1406		Sheppard, R. v. 9 C. & P. 121 916, 972 R. v. 11 Cox C. C. 302 182 R. v. 1 Leach, 226 660 R. v. R. & R. 169 713, 743 v. State, 1 Tex. Ap. 304 1465 Sherban v. Com., 8 Watts, 212 1848 b Sherburn, State v. 59 N. H. 99 652 Sheridan, R. v. Wright's Conspir. 50 1366 Sheriff, Com. v. 3 Brewst, 343 648, 652 Com. v. 1 Grant, 187 1678 Com. v. 7 Phila. 84 1846 Com. v. 15 Phila. 393 1368 Sherman, Com. v. 105 Mass. 169 192 People v. 10 Wend. 238 1018, 1023 Shermer, State v. 55 Mo. 83 885, 899 Sherrill, State v. 1 Jones (N. C.), 508 1566 Sherry, Com. v. Whart. on Hom. App. 377, 388 Sherwood, R. v. 1 C. & K. 556 455 R. v. 40 Eng. L. & Eq. 584; D. & B. 261 1159 Shuttleworth, State v. 18 Minn. 208 567

TABLE OF CASES.

SECTION		SECTION
Shickle, R. v. L. R. 1 C. C. 158; 11 Cox C. C. 189	871	Sides, State v. 64 Mo. 383 586 Siebold, ex parte, 100 U. S. 371 1832, 1841 a
Shields, State v. 8 Blackf. 151	1569	Siegel v. People, 106 Ill. 89 1507, 1512 a
State v. 45 Conn. 256	554, 556	Sifford, ex parte, 5 Am. L. R. 659 268 Siglers v. State, 9 Tex. Ap. 427 884 Sikes v. State, 67 Ala. 77 1463, 1465 Sill v. R., Dears, 132; 1 El. & Bl. 533 1223, 1226
Shipley v. Todhunter, 7 C. & P. 680 1621, 1630		Sittem, Atty.-Gen. v. 2 H. & C. 431 1908, n.
Shippey, State v. 10 Minn. 223	455, 462, 487, 500	Silsbee, Com. v. 9 Mass. 417 19, 1832 a, 1835, 1836
Shippley v. People, 86 N. Y. 375 974		Silver v. People, 107 Ill. 563 455 v. State, 17 Ohio, 365 1269, 1271
Shirras v. Olinger, 50 Iowa, 571	1412	Simar v. Cannaday, 53 N. Y. 298 1160 Simco v. State, 8 Tex. Ap. 406 30 Simmerman v. State, 14 Neb. 568 380
Shircliff, State v. 96 Ind. 369	1375	Simmonds, R. v. 4 Cox C. C. 277 1149 R. v. 8 Cox C. C. 190 1272 R. v. 1 Mood. C. C. 408 928, 929
Shirwin v. People, 69 Ill. 55 568		Simmons, Com. v. 6 J. J. Marsh. 615 615, 637, 1551 R. v. 8 C. & P. 50 1324 R. v. 1 Wils. 329 173, 181
Skissler, Com. v. 9 Phila. 587 735		State v. 3 Ala. 497 583 State v. 6 Jones (N. C.), 21 396 State v. 68 N. C. 622 1524 U. S. v. 96 U. S. 360 192, 193
Shiver, State v. 20 S. C. 392 1009		v. Com., 5 Binn. 617 291, 930
Shoaf, State v. 68 N. C. 376 965, 971		Simmonsto, R. v. 1 C. & K. 164 1700 Simms, State v. 71 Mo. 538 41, 61 Simonds, Com. v. 11 Gray, 306 741 Com. v. 79 Ky. 648 1465, 1465 a
Shock, State v. 68 Mo. 352	377, 384, 385	Simonin v. Mallack, 2 Sw. & Tr. 67 1697
Shoemaker, State v. 4 Ind. 100 1512 a		Simons, People v. 60 Cal. 72 484 R. v. 2 East P. C. 712, 731 851, 852, 856
State v. 7 Mo. 177	266, 751	Shoults, State v. 25 Mo. 128 38, 377, 489
State v. 12 Ohio, 43 380		Shouse, Com. v. 16 B. Mon. 325 1848 b v. Com., 5 Barr, 83 1550
Shooter, State v. 8 Rich. 72	1349	Shover v. State, 5 Eng. (Ark.) 259 1431
Short, State v. 54 Iowa, 392 816, 818		Shridely v. State, 23 Ohio St. 130 900, 982, 982 a, 983
v. State, 68 Ind. 376 820		Shufflin v. People, 62 N. Y. 229 459
Shorter v. People, 2 Comst. 193 46, 489, 492; 493		Shukard, R. v. R. & R. 200 708
v. State, 63 Ala. 129 1557		Shuler, People v. 28 Cal. 490 857
Shortridge v. Macon, Chase, 136 1799		Shults, U. S. v. 6 McLean, 121 34, 35
Shorts, State v. 3 Vroom, 398 1491		Shultz v. Cambridge, 38 Ohio St. 659 1498
Shotts Iron Co. v. Inglis, 7 Ap. Ca. 518 1412, 1433		Shupe, State v. 16 Iowa, 36 1267, 1277
Shotwell, ex parte, 10 John. 304	1101, 1104	Shurtliff v. Stevens, 51 Vt. 501 1641
Shoultz, State v. 25 Mo. 128	38, 377, 489	Shuttleworth, R. v. 22 Up. Can. (Q. B.) 372 1667
Shouse, Com. v. 16 B. Mon. 325	1848 b	Sias, State v. 17 N. H. 558 1028
v. Com., 5 Barr, 83	1550	Sidden, Atty.-Gen. v. 1 C. & J. 220 1627
Shover v. State, 5 Eng. (Ark.) 259		Prof. Append. 227
1431		777

TABLE OF CASES.

	SECTION		SECTION
Simpson, State v. 1 Dev. 504	1093,	Slatterly v. People, 58 N. Y. 354	182
	1112	Slatterly, <i>ex parte</i> , 3 Pike, 484	1606
State v. 2 Hawks, 460	18,	v. People, 76 Ill. 217	598
	1067	v. State, 41 Tex. 619	583
State v. 3 Hawks, 620	1186	Slaughter v. Conn., 11 Leigh, 681	377,
v. Savage, I. C. B. (N. S.)			391, 476
347	1412	Slaughter-house Cases, 16 Wall.	
v. State, 59 Ala. 1	196,	36	1835
	464, 507	Sleep, R. v. 8 Cox C. C. 472	87, 89
v. State, 4 Humph. 456	291,	R. v. 9 Cox C. C. 559	600
	930	Sleeper, State v. 37 Vt. 122	1286,
v. State, 17 Ind. 444	1513		1294, 1304
v. State, 5 Yerg. 366	17,	Slicker v. State, 8 Eng. (Ark.) 397	
	1551, 1852, 1853		650, 652
v. State, 10 Yerg. 525	91	Sline, R. v. Dig. L. L. 83	1605
v. Yeand, L. R. 4 Q. B.	626	Slingsby, R. v. 4 F. & F. 61	965
	1857	Sloan, Com. v. 4 Cush. 52	1506
Sims, State v. 2 Bailey (S. C.)	29	<i>ex parte</i> , 4 Sawy. 330	282 a
	238, 244	State v. 55 Iowa, 277	1685, 1704
v. State, 16 S. C. 486	292, 1546	State v. 47 Mo. 604	489,
v. State, 9 Tex. Ap. 586	489		506, 542
Sinclair, R. v. 13 Cox C. C. 28	142,	v. State, 8 Ind. 312	246
	612, 636	v. State, 9 Ind. 565	398
Sindram v. People, 88 N. Y. 196	40	Sloanaker, State v. 1 Houst. 62	120
Singerly, Com. v. 15 Phila. 368	1636	Sloane, Resp. v. 2 Yeates, 229	1108,
Singleton v. State, 1 Tex. Ap. 501			1109
	384	Slocum, People v. 90 Ill. 274	1765
Sipple v. State, 17 Vroom, 197	173,	Slomer v. People, 25 Ill. 70	1376
	181	Slowly, R. v. 12 Cox C. C. 269	974,
Sisk v. State, 9 Tex. Ap. 246	884		975
Sissinghurst's Case, 1 Hale P. C.		Slusser v. State, 71 Ind. 280	637,
462	213		644, 645 d
Sisson, Com. v. 126 Mass. 48	1498 a,	Small, R. v. 8 C. & P. 46	963
	1520	State v. 1 Fairf. (Me.) 109	
Sivinney, Com. v. 1 Va. Cas. 150	1130		1573
Sizemore, State v. 7 Jones (N. C.),	206	State v. 31 Mo. 197	1508
	480	U. S. v. 2 Curtis, C. C. 241	
v. State, 3 Head, 26	266,		640, 645 a
	293	v. Com., 91 Penn. St. 304	
Skains v. State, 21 Ala. 218	1552		314, 480
Skeet, R. v. 4 F. & F. 931	214, 220,	Smalley v. State, 11 Tex. Ap. 147	
	397, 398		1452
Skelley, Com. v. 10 Gray, 464	1498 a	Smart, Com. v. 6 Gray, 15	1043, 1061
Skidmore, State v. 87 N. C. 509	582	State v. 4 Rich. 355	951,
v. State, 43 Tex. 93	634		955, 990 b
Skiff v. People, 2 Parker C. R. 139		Smedly v. State, 30 Tex. 214	857
1206, 1215, 1218, 1220,		Smiley, U. S. v. 6 Saw. 640	863
1221, 1227		Smith, Com. v. 11 Allen, 243	279,
Skinner, R. v. Loft, 55	1637	Com. v. 6 Bush. 303	1499
U. S. v. 2 Wheel. C. C.		Com. v. cited in Jones v.	
232	1899, 1904	Com., 75 Penn. St. 403	502
Skipworth, R. v. 12 Cox C. C. 371		Com. v. 6 Cush. 80	1411, 1412
	1854	Com. v. 1 Grat. 553	1510
v. State, 8 Tex. Ap. 135		Com. v. 1 Mass. 245	952,
	937		981, 990 b
Slack, Com. v. 19 Pick. 304	1432 a	Com. v. 102 Mass. 144	1519,
v. Walcott, 3 Mason, 508	288		1519 a
Single, State v. 83 N. C. 630	524,	Com. v. 103 Mass. 444	88,
	592, 596		1498 b, 1519 c
Slate, Com. v. 11 Gray, 60	997	Com. v. 111 Mass. 429	981 c

TABLE OF CASES.

	SECTION		SECTION
Smith, Com. v. 116 Mass. 40	979	Smith, R. v. Dears. C. C. 559;	7
		Cox C. C. 51; 33 Eng.	
Com. v. 123 Mass. 104	882 a,	L. & Eq. 567	107, 120,
	1014, 1038, 1054, 1498 b,		641, 645 a
			1505
Com. v. 54 Penn. St. 209	173,	R. v. 2 East. P. C. 497	784
	179, 603, 1720, 1738	R. v. 9 Eng. L. & Eq. 532;	
Com. v. 6 Phila. 305	822	2 Den. 499; 5 Cox C. C.	
			533
Com. v. 7 Pick. 137	700	R. v. 33 Eng. L. & Eq. 531;	
		Dears. 496; 6 Cox C. C.	
Com. v. 6 S. & R. 568	660	554	986, 990
			716, 743 a
Com. v. 7 Smith's Laws,		R. v. 4 Esp. 111	1415
App. 2; Wheeler C. C.		R. v. 3 F. & F. 504	669
80; Whart. on Hom.		R. v. 4 F. & F. 1066	455
App.		R. v. L. & C. 607; 10 Cox	
<i>ex parte</i> , 6 Bost. Law Rep.		C. C. 82	68, 330, 335,
57			358, 360, 1585
			773, 806, 810
<i>ex parte</i> , 3 McLean, 121	268	R. v. L. R. 1 C. C. 110; 11	
People v. 24 Barb. 16	1093	Cox C. C. 10, 1314, 1326	
People v. 15 Cal. 409	926	R. v. L. R. 1 C. C. 270	982
People v. 23 Cal. 280	964	R. v. 1 M. & Rob. 256	789
People v. 5 Cow. 258	18, 19,	R. v. R. & R. 267	1018, 1030
	899, 1067	R. v. R. & R. 417	759,
People v. 1 N. Y. Cr. R. 72	1529		773, 806, 810
			1011, 1023
People v. 1 Parker C. R.		R. v. 1 Russ. on Cr. 546	500
329		R. v. 2 Russ. on Cr. 312	1193
People v. 5 Parker C. R. 490		R. v. 1 Str. 704	1411
		R. v. T. & M. 214; 1 Den.	
R. v. 4 Black. Com. 201, n.		510; 2 C. & K. 882	1664
		R. v. 7 T. R. 80	1571
		R. v. 13 U. C. R. 552	610
		R. v. 14 Up. Can. (Q. B.)	
		565	1710
State v. 8 Blackf. 489		State v. 1 Cheves S. Car.	
		157	18
State v. 38 Conn. 397		State v. 3 Dev. & Bat. 117	506
		State v. 3 Hawks, 378	19,
			1434
State v. 2 Humph. 457		State v. 2 Humph. 457	606
		State v. 74 Ind. 557	637
State v. 93 Ind. 67		State v. 93 Ind. 67	1342, 1343
		State v. 54 Iowa, 104	1744
State v. 54 Iowa, 743		State v. 54 Iowa, 743	1763
State v. 2 Ired. 127		State v. 2 Ired. 127	1109
		State v. 13 Kans. 274	1063
State v. 30 La. An. p. ii.		State v. 30 La. An. p. ii.	
		846	1749
State v. 7 Lea, 249		State v. 7 Lea, 249	1657
		State v. 32 Me. 369	22, 28,
			120, 305, 519
State v. 65 Me. 257		State v. 65 Me. 257	126
		State v. 1 Meigs, 99	1465 b
State v. 29 Minn. 193		State v. 29 Minn. 193	1451,
			1452
State v. 24 Mo. 356		State v. 24 Mo. 356	1848 b
		State v. 37 Mo. 58	986, 997
State v. 53 Mo. 139		State v. 53 Mo. 139	542

TABLE OF CASES.

SECTION		SECTION	
Smith, State v. 53 Mo. 267	61	Smith v. State, 50 Conn. 193	393
State v. 66 Mo. 92	368	v. State, 46 Ga. 238	237
State v. 77 N. C. 488	456	v. State, 52 Ga. 88	641
State v. 18 N. H. 91	1846	v. State, 62 Ga. 663	813
State v. 10 Nev. 106	163, 486	v. State, 64 Ga. 605	840
State v. Phil. (N. C.) 302	73	v. State, 6 Gill, 425	1459
State v. Phil. (N. C.) 340	519	v. State, 6 Gill, 425	1459
State v. 10 R. I. 258	88	v. State, 1 Humph. 396	19,
State v. 10 Rich. (Law)	341	v. State, 1 Humph. 396	1432, 1447
	304	v. State, 7 Humph. 43	591, 609
State v. 2 Strobb. 77	317, 320	v. State (Ind. 1884), 5	Crim. Law Mag. 564
State v. 32 Tex. 167	1741	v. State, 28 Ind. 321	716, 941
State v. 8 Yerger, 150	697	v. State, 45 Ind. 49	30
U. S. v. 2 Bond, 323	1349, 1371	v. State, 67 Ind. 140	1557
U. S. 1 Mason, 147	1876, 1880	v. State, 8 Lea, 402	645
U. S. v. 1 South. 33	266, 1245	v. State, 45 Md. 49	30, 31
U. S. v. 3 Wash. C. C., 525	1872, 1877, 1880, 1881	v. State, 33 Me. 48	142, 316,
U. S. v. 5 Wheat. 153	1860	v. State, 33 Me. 48	320, 592, 594
v. Baker, 1 Am. L. J. 363		v. State 39 Miss. 521	603
	1436	v. State, 55 Miss. 513	1176,
v. Brazleton, 1 Heisk. 44	310	v. State, 1186, 1218	
v. Com., 6 B. Monr. 21	1449,	v. State, 14 Mo. 147	1540
	1451	v. State, 4 Neb. 277	52
v. Com., 14 Bush, 31	864	v. State, 12 Ohio St. 466	15 a,
v. Com., 1 Duv. 224	44, 46, 48,	184, 550, 551, 558, 576,	
	49, 50, 61	576 a, 620	
v. Com., 59 Penn. St. 320	1667	v. State, 22 Ohio St. 539	1426
v. Com., 100 Penn. St. 324		v. State, 1 Stew. 506	1768
	119, 122, 133, 319, 373 a,	v. State, 24 Tex. 547	1512 a
	608 a	v. State, 32 Tex. 593	183, 606
v. Com., 14 S. & R. 69	145, 451	v. State, 35 Tex. 132	1512 b
v. Kramer, 1 Am. Law Reg.	353	v. State, 42 Tex. 444	884
	65	v. State, 43 Tex. 433	1082 d
v. Minor, Coxe's R. 16	1741	v. State, 43 Tex. 643	534
v. Myers, 41 Md. 425	1247	v. State, 1 Tex. Ap. 620	1286
v. People, 25 Ill. 17	15 a, 1361	v. State, 7 Tex. Ap. 414	381,
v. People, 47 N. Y. 303	1162,	v. State, 10 Tex. Ap. 420	1557
	1188	v. State, 15 Tex. Ap. 838	485,
v. People, 53 N. Y. 111	964,	v. State, 1 Yerg. 228	482
	966, 971	v. Taylor, 1 B. & P. (N. R.)	196
v. R. R. 37 L. T. 224	1424	v. Treat, Davies, 266	186
v. Shultz, 1 Scammon, 492	883	v. Wheatcroft, 9 Ch. D.	233
v. Slocom, 62 Ill. 354	631	v. Wilcox, 25 Barb. 341	1431 b
v. Smith, 13 Gray, 209	1695	Smith & Ogden's Case, Pamph.	1908 n.
v. Sparrows, 4 Bing. 84,	88	Smitherman v. State, 27 Ala. 23	1737,
	1605	v. State, 63 Ala. 24	1747
v. State, 22 Ala. 54	1463	v. State, 63 Ala. 24	866
v. State, 37 Ala. 472	211 a	Smoot v. Wetumpka, 24 Ala. 112	91
v. State, 39 Ala. 554	1747	Smouse, State v. 49 Iowa, 634	1510,
v. State, 50 Ala. 159	1431 c		1513
v. State, 52 Ala. 384	1465	Smurr v. State, 58 Ind. 504	49, 54
v. State, 52 Ala. 407	1405	Smyth, R. v. 5 C. & P. 201 ; 1 M.	
v. State, 55 Ala. 1	88, 1505,	& Rob. 155	799, 800, 1088, 1093,
	1507, 1512 a		1094, 1097, 1100
v. State, 63 Ala. 55	1432		
v. State, 68 Ala. 424	380, 484		
v. State, 73 Ala. 11	1741		
v. State, 37 Ark. 274	207		
v. State, 1 Bailey, 283	281		

TABLE OF CASES.

SECTION		SECTION	
Snapp v. People, 19 Ill. 80	1072, 1082 d	South, State v. 4 Dutch. 28	886
Snead, State v. 84 N. C. 816	1571	Souther v. Com., 7 Grat. 673	377, 384,
Snell, State v. 78 Mo. 243	380, 534		385
v. State, 50 Ga. 219	1049	Southey, R. v. 4 F. & F. 864	45, 46
v. State, 2 Humph. 347	713,	Southwood, R. v. 1 F. & F. 356	1281,
	740, 745		1284, 1287
Snelling, Com. v. 4 Binn. 379	847, 855,	Sowers, State v. 52 Ind. 311	1432,
	854, 856		1444
Com. v. 15 Pick. 337 ;		Sowle, Com. v. 9 Gray, 304	1080,
Thach. C. C. 318	1614,		1082 d
1643, 1645, 1647, 1650,		Spake v. People, 89 Ill. 617	1500,
			1500 a, 1527
Snider v. State, 59 Ala. 64	1431 a	Spalding, R. v. 2 East P. C. 1025 ;	
Snoddy v. Howard, 51 Ind. 411	266	1 Leach, 258	830, 836, 837
Snow, Com. v. 111 Mass. 411	680	Spangler's Case, 11 Mich. 298	267
Com. v. 116 Mass. 47	597	Spangler, State v. 40 Iowa, 365	480
Com. v. 133 Mass. 575	1505	Spann v. State, 47 Ga. 553	46, 59
R. v. 1 East P. C. 214	457	Spanner, R. v. 12 Cox C. C. 155	822
R. v. 1 Leach, 151	470, 473	Sparks v. Com., 3 Bush, 111	344
State v. 30 La. An. 401	712	v. State, 59 Ala. 82, 1451, 1452	
State v. 18 Me. 346	1537, 1538,	Sparrenberger v. State, 53 Ala.	
	1540	484	1431 a
State v. 3 R. I. 64	1528 a	Spear, State v. 13 R. I. 324	1595,
v. Benton, 28 Ill. 306	65		1660
v. Housatonic Co., 8 Allen,		Spears, R. v. 2 Leach, 825 ; 2 East	
441	164	P. C. 568	938, 956
v. State, 54 Ala. 138	818	v. State, 2 Ohio St. 585	186,
Snyder, ex parte, 64 Mo. 58	648		820
in re, 17 Kans. 542	1173,	Specht v. Com., 8 Barr, 312	23 a, 84,
	1176		1431
People v. 2 Parker C. R.		Speed, R. v. 15 Cox C. C. 24 ; 46	
23	783	L. T. (N. S.) 174	1144, 1214
State v. 63 Ind. 203	1225	Speer, Com. v. 2 Va. Cas. 65	748,
U. S. v. 3 McCr. 377	224	1116, 1123, 1126, 1225	
U. S. v. 4 McCr. 618 ; 14		v. State, 60 Ga. 381	575
Fed. Rep. 554	1164 a	Speirin, State v. 1 Brev. 119	1085,
v. State, 14 Ind. 429	1556		1086, 1104, 1111
v. State, 59 Ind. 105	393, 543	Speller, State v. 86 N. C. 697	1557
v. State, 66 Ind. 203	1204,	Spence, R. v. 1 Cox C. C. 352	337,
	1512 a		338
v. Fulton, 34 Md. 128	1637	Spencer, R. v. 1 C. & P. 260 ; R.	
v. People, 26 Mich. 106	800,	& M. 97	1312
	825, 837, 838	R. v. 3 C. & P. 420	1162, 1165
Soares, R. v. R. & R. 25 ; 2 East P.		R. v. 10 Cox C. C. 525	362
C. 974	207, 219, 245, 522, 710	R. v. D. & B. 131 ; 7 Cox	
Somerset's Case, 2 St. Tr. 966 ; 19		C. C. 189	1082 e
St. Tr. 804	75, 226	R. v. R. & R. 299	1011
Somerville's Case, 1 Anderson R.		State v. 1 Zab. (21 N. J.	
104	76	L.), 196	34, 45, 46, 60,
Somerville, State v. 21 Me. 14	928,	61, 63, 377, 381	
	932, 936, 938, 945, 952	v. Com. 2 Leigh, 751	715,
Sonachall, U. S. v. 4 Biss. 425	1270		726
Soper, Com. v. 133 Mass. 393	1294	v. State, 13 Ohio, 401	820
Soto, People v. 49 Cal. 67	28	v. State, 31 Tex. 64	1730,
People v. 53 Cal. 415	811		1734
Sottomayer v. De Barros, L. R. 2		Spicer, People v. 11 Ill. App. 294	491
Q. B. D. 81 ; L. R. 3 P. D. (C.		Spielman, People v. 20 Alb. L. J.	
A.) 1 ; 41 L. T. R. 281	1697	96 (S. C., under name of People	
Sonders, U. S. v. 2 Abb. U. S. 456	1848 a	v. Spelman, 14 Hun, 516, 76 N.	
Soule, Com. v. 2 Met. 21	1074	Y. 96 ; 80 N. Y. 373, n.)	1184

TABLE OF CASES.

SECTION		SECTION	
Spiller, R. v. 2 Show. 205	1595, 1614	Stainer, R. v. L. R. I. C. C. 230	1014,
R. v. 5 C. & P. 333	246, 362,	1018, 1035, 1038	
	364, 522	Stakems, People v. 40 Cal. 509	900
Spilling, R. v. 2 M. & Bob. 107	366	Stalcup, State v. 1 Ired. 30	214,
Spillman, Com. v. 124 Mass. 327	739,		1538, 1546
	740	Staley, State v. 3 Lea, 565	1510
Spooner, <i>in re</i> , 9 Abb. N. Ca. 481	1841 a	Stallion, R. v. 1 Mood. C. C. 398	826
Spragg, R. v. 2 Burr. 993	1348, 1376,	Staley, U. S. v. 1 Wood. & M. 338	1876, 1877
	1378, 1383	Stansney, State v. 71 N. C. 202	1499,
Sprague, Com. v. 128 Mass. 75	1528 a		1832
People v. 2 Park. C. R.	43	Stanbury, R. v. 9 Cox C. C. 94	1205
	34, 35	Stanceel v. State, 50 Ga. 155	1559
State v. 4 R. I. 257	211 b,	Standifer, State v. 5 Porter, 523	318
	1340 a	Standley, R. v. R. & R. 305	213, 218
U. S. v. 11 Biss. 376	695,	Standfield v. State, 43 Tex. 167	631
	720	Stanglein v. State, 17 Ohio St. 453	1713
Spratt, Com. v. 14 Phila. 365	1431	Stank, State v. 10 Cin. Bull. 16	1711
Spriggs, R. v. 1 M. & R. 357	759, 769,	Stanley, State v. 48 Iowa, 221	219,
	777		933, 938
Spring, Com. v. 5 Clarke (Penn.),	89	State v. 64 Me. 157	1160,
	1187		1161, 1180
Com. v. 19 Pick. 396	1500	U. S. v. 6 McLean, 409	1246, 1249
Sprnill v. State, 10 Tex. Ap. 695	914	v. Birch, Law Times, May	28, 1881
Spulman, People v. 14 Han. 516;	76 N. Y. 96;		891
	80 N. Y. 373 n.	v. State, 23 Ala. 27	1512 a
Spurgeon, R. v. 2 Cox C. C. 102	906	v. State, 58 Ga. 430	981 c
Squires, State v. 2 Nev. 226	218	v. State, 24 Ohio St. 166	281, 930
Squire, Com. v. 1 Met. 258	640	v. State, 14 Tex. Ap. 315	381
R. v. R. & R. 348; 2 Stark.	349	Stannard, R. v. L. & C. 349	1422,
	1018		1459, 1460
R. v. 1 Russ. Cr. (3d ed.)	80, 678	Stanton, R. v. 1 C. & K. 415	550, 559,
	80, 83, 1567, 1585		576, 576 a, 577
R. v. 1 Russ. Cr. 491	331, 360	R. v. 7 C. & P. 431	981 a
v. State, 46 Ind. 458	88, 89,	R. v. 2 Show. 30	1477
	1695 a, 1696, 1700,	State v. 37 Conn. 421	1522 a
	1701, 1706	v. Andrews, 5 Up. Can.	(Q. B.) 221
Squires, People v. 49 Mich. 487	1757		1634, 1636
State v. 11 N. H. 37	811,	v. Sedgwick, 14 N. Y. 289	1854
	818, 819		
v. Whisken, 3 Camp. 140	1465 a		
Staaden v. People, 82 Ill. 432	843	Stapleton, R. v. 1 Jebb, 93; 1	
Staats, U. S. v. 8 How. 41	28, 1329	Craw. & Dix Ir. C. C. 163	78, 79
Stabler v. Com., 95 Penn. St. 318		Stark, State v. 1 Strobb. 479	50, 60,
	179, 185, 186		61, 63
Stace v. Griffith, L. R. 2 P. C.		v. State, 63 Ind. 285	908
App. 420	1642	Starkey v. State, 6 Ohio St. 266	882 a
Stacey, Com. v. 8 Phila. 617	1660, 1663	Starkie v. Com., 7 Leigh, 752	886, 964
Stacy, <i>in re</i> , 10 Johns. 328	267	Starling, State v. 6 Jones (N. C.),	366
Stafford's Case, 12 Co. Rep. 37	579	Starr, State v. 67 Me. 242	1505
Stage's Case, 5 City Hall Recorder,		State v. 38 Mo. 270	455, 485
	177	v. Lifchild, 40 Barb. 541	632
Stage Horse Cases, 15 Abb. Pr.		St. Asaph, Dean of, R. v. 3 T. R.	428
(N. S.) 51.	1082 d		1643
Stahl, Com. v. 7 Allen, 304	1465	Staten, State v. 88 N. C. 654	572, 578
U. S. v. 1 Woolworth C. C.		v. State, 30 Miss. 619	494,
	192		495, 496, 499
Straight v. State, 39 Ohio St. 497	1262		
	782		

TABLE OF CASES.

SECTION		SECTION	
Staughton v. State, 5 Wis. 291	1424	Stephenson, Com. v. 8 Pick. 354	761
St. Clair, People v. 38 Cal. 137	788,	R. v. 13 Q. B. D. 331	1434
	802	State v. 17 Iowa, 149	990
		State v. 11 Tex. Ap. 297	1261, 1288
		Stead, R. v. 8 T. R. 142	1426
		Stear, R. v. 1 Den. 349; 2 East P.	909, 969
		C. 689	
		Stearns, Com. v. 2 Met. 343	1016,
			1033
		Com. v. 10 Met. 256	715, 721,
			751
		People v. 21 Wend. 409;	
		S. C., 23 Wend. 634	740,
			741, 748, 745
		Stebbins, Com. v. 8 Gray, 492	884 a,
			955, 1044
		Stedman's Case, Post. 292	473
		Stedman, State v. 7 Port. 495	641 a
		Steedman, State v. 8 Rich. 312	1510
		Steel, R. v. C. & M. 337	1393, 1404
		v. Southwick, 9 Johns. 214	1595
		Steele, R. v. 11 Cox C. C. 5	1176
		State v. 1 Yerg. 394	1282
		v. Brannan, L. R. 7 C. P.	
		261	119, 1607
		v. State, 45 Ill. 152	715
		Steeley, State v. 65 Mo. 218	537
		Steenburgh, People v. 1 Park. C.	
		R. 37	384
		Stegar v. State, 39 Ga. 583	847
		Stein, State v. 1 Rich. 189	31 b
		v. State, 37 Ala. 123	340, 1434,
			1477
		Steinman v. McWilliams, 6 Barr,	
		170	1245, 1246, 1284
		Steinmeyer v. People, 95 Ill. 383	488
		Steinson v. State, 6 Yerg. 531	1257,
			1290, 1292, 1296
		Steinwehr v. State, 5 Sned. 586	
			1832 a, 1833 b, 1834
		Stenson, R. v. 12 Cox C. C. 111	1371
		Stephen v. State, 11 Ga. 225	551, 555,
		558, 560, 563, 566, 570, 577, 578	
		Stephens, R. v. 5 B. & C. 246	1245,
			1286
		R. v. L. R. 1 Q. B. 702	
			247, 1420, 1422
		v. Myers, 4 C. & P. 349;	
		19 Eng. C. L. R. 414	187,
			605, 609
		State v. 63 Ind. 542	1744
		U. S. v. 8 Sawy. 116	180
		v. State, 56 Ga. 604	713
		v. State, Sup. Ct. Ohio,	
		1884	218, 229
		v. 1 Swan, 157	1263
		Stephenson, Com. v. 11 Cush. 481	700

TABLE OF CASES.

	SECTION		SECTION
Stewart, R. v. B. & R. 288	720	Stockley, Com. v. 10 Leigh, 678	1268
R. v. R. & R. 363	207, 219,	Stockton, R. v. 2 Taunt, 339 ; 2	
	710	Leach, 1015 ; R. & R.	
State v. 4 Conn. 47	825	185	799
State v. 31 Me. 515	1503	v. State, 25 Tex. 772	643
v. Jessup, 51 Ind. 413	1206	Stockwell v. State, 86 Ind. 522	
v. State, 66 Ga. 90	629	1498 a, 1519, 1528 a	
v. State, 1 Ohio St. 66	381,	v. State, 27 Ohio St. 563	
476, 484, 485, 486 a, 487,	1525		
	489	Stoddard, Com. v. 9 Allen, 380	603
v. State, 5 Ohio, 242	575,	v. Mix, 14 Conn. 23	1854
	640, 641 a	Stodder, Com. v. 15 Phila. 418	1431 a
v. State, 22 Ohio St. 477	1264, 1267, 1329, 1331,	Stockkli, State v. 71 Mo. 553	388
	1332	Steohr, Com. v. 109 Mass. 365	1520
v. State, 39 Ohio St. 541	1749	Stofer v. State, 3 W. Va. 692	1289,
v. State, 6 Tex. Ap. 184	1288	1304	
v. State, 9 Tex. Ap. 321	933	Stoffer, State v. 15 Ohio St. 47	476,
St. Clair, State v. 17 Iowa, 149	988	485, 486, 486 a	
St. Gome, State v. 31 La. An. 30	484	Stogdel, State v. 13 Ind. 565	1757,
St. George, R. v. 9 C. & P. 483	181,		1762
	182, 606	Stokes, R. v. 3 C. & K. 185	34, 60,
St. Giles, R. v. 5 M. & S. 260	93	63	
Stickler, U. S. v. 15 Fed. Rep. 798	1831 a	R. v. 5 C. & P. 148	1675
Stickley, State v. 41 Iowa, 232	45	State v. 54 Vt. 179	597
Stickman, People v. 34 Cal. 242	781	v. People, 53 N. Y. 164	31
Stiles v. Nokes, 7 East, 493	1639	v. State, 18 Ga. 17	304
v. State, 57 Ga. 183	488, 493	v. State, 58 Miss. 677	953
Stillman v. White Rock Co., 3		Stolady, R. v. 1 F. & F. 518	1276,
Wood. & M. 538	279, 288		1304
Stillwell v. Barter, 19 Wend. 487	1596	Stone, Com. v. 4 Met. 43	1164, 1165,
			1217
Stimson, State v. 4 Zabr. 9	1061	People v. 5 Best. L. Rep.	
v. State v. 4 Zabr. 478	88	153	1645
Stinehouse v. State, 47 Ind. 17	1758,	People v. 16 Cal. 369	936
	1762	People v. 39 Hun. 411	1315
Stinson, State v. 17 Me. 154	1502	People v. 9 Wend. 187	1116,
v. People, 43 Ill. 397	974	1218, 1224	
St. Leonards, R. v. Lond. 1884	568	R. v. 4 C. & P. 379	1559
St. Louis Mut. Ins. Co. v. Graves,		R. v. Dears, 251 ; 22 Eng.	
6 Bush, 268	46	L. & Eq. 593	1262, 1328
St. Louis, People v. 5 Gilman, 351	1477	R. v. 6 T. R. 527 ; 1 East P.	
v. Sullivan, 8 Mo. Ap.		C. 79	1809
456, 1465, 1465 a, 1467		State v. 68 Mo. 101	899
Stith v. State, 13 Ark. 680	1465 a	State v. 3 Tex. Ap. 675	1467 a
Stock, R. v. 1 Mood. C. C. 87	964	v. Carr, 3 Esp. 1	359
v. R. & R. 185	790	v. Jackson, 16 C. B. 199	464
Stockbridge, Com. v. 11 Mass. 278	1836	v. People, 2 Scam. 326	534
Stockdale, R. v. 2 Lew. 220	155, 156	v. State, 63 Ala. 115	759
v. Hansard, 11 Ad. &		v. State, 1 Spencer, 401	28,
El. 253 ; 3 P. & D.			716, 720
346	1634	v. State, 12 Tex. Ap. 193	979
v. State, 32 Ga. 225	1557	Stonecifer, People v. 6 Cal. 405	476,
Stockham, People v. 1 Parker C.			485, 486
R. 424		Stoneman v. Com., 25 Grat. 887	488,
Stockley's Case, 1 East P. C. c. 5,	592		489, 493
s. 58	424	Stoops v. Com., 7 S. & R. 491	811,
			818, 819
Stores, U. S. v. 4 Woods, 841		Stepford, R. v. 11 Cox C. C. 643	53,
		107, 120, 645 a	
		Stores, U. S. v. 4 Woods, 841	119

TABLE OF CASES.

	SECTION		SECTION
Storey v. Challands, 8 C. & P. 234	1630	Streety v. Wood, 15 Barb. 105	1641
v. People, 79 Ill. 45	1614	Strickland, State v. 2 N. & McC.	1777
v. State, 71 Ala. 331	485,	Strickley, State v. 41 Iowa, 232	43
	486 a, 495, 543	Stringer, R. v. 2 Mood. C. C. 261	852
Storkey, State v. 63 N. C. 7	572, 578	Strington, R. v. 2 Wms. Saunders,	
Storrs v. State, 3 Miss. 45	529	167, notes	93
Story, R. v. R. & R. 81	658, 679,	Stroback, U. S. v. 4 Woods, 592	
	1147, 1170	1164 a	
Stotts, State v. 5 Blackf. 460	1576,	Stroll, State v. 1 Rich. 244	704, 1116,
	1577		1123, 1126
Stoughton v. Baker, 4 Mass. 522	1412	Strener, R. v. 1 C. & K. 650	566
v. State, 2 Ohio St. 562	713, 1212, 1226	Strong v. State, 1 Blackf. 193	30
v. State, 13 Sm. & M.	255	v. State, 86 Ind. 208	1153
v. State, 5 Wis. 291	512	Stroud v. State, 55 Ala. 77	1557
	1424	Struckman v. State, 7 Tex. Ap.	
	582		883
Struggle, The, U. S. v. 9 Cranch,	71	Strungate, 95	
		Strumpf, State v. 23 Wis. 630	1833 b
		Strupney, Com. v. 105 Mass. 588	
		759, 767, 769	
Stuart v. People, 42 Mich. 255	813	Stuart v. People, 42 Mich. 255	813
v. State, 1 Baxter, 178	34, 48	v. State, 90 Ind. 1	304
Stubblefield, State v. 32 Mo. 563	1556	v. State, 96 Ind. 407	407
Stucky, State v. 2 Blackf. 289	1493	Stoveld, R. v. 6 C. & P. 489	1313,
Studd, R. v. 14 W. R. 806	1100, 1111,		1314
	1113	Stow, Com. v. 1 Mass. 54, 237, 731, 734	
		v. Converse, 4 Conn. 17	1645
Stowell v. Lord Zouch, Plowd. 357	320	Stowell, Com. v. 9 Met. 572	1462,
			1465 b, 1498 a
		State v. 60 Iowa, 535	311
		U. S. v. 2 Curtis C. C.	
		153	650
Stoyell, State v. 54 Me. 24	562, 1765	Stoyell, State v. 54 Me. 24	562, 1765
Strain, Com. v. 10 Met. 521	1215,	Strain, Com. v. 10 Met. 521	1215,
	1227		
Strang v. People, 24 Mich. 1	557, 567,	Strang v. People, 24 Mich. 1	557, 567,
	568, 569		
Strangford, Com. v. 112 Mass. 289	1241	Strangford, Com. v. 112 Mass. 289	1241
Stratton, Com. v. 114 Mass. 303	18,	Stratton, Com. v. 114 Mass. 303	18,
	141, 144, 365, 610, 636,		
	1434		
R. v. 1 Camp. 549, n.	1350	R. v. 1 Camp. 549, n.	1350
R. v. 21 St. Tr. 1045	95	R. v. 21 St. Tr. 1045	95
State v. 27 Iowa, 420	676	State v. 27 Iowa, 420	676
v. People, 20 Hun. 288	1267	v. People, 20 Hun. 288	1267
v. People, 81 N. Y. 629	1329	v. People, 81 N. Y. 629	1329
v. State, 45 Ind. 468	223	v. State, 45 Ind. 468	223
Strauder, State v. 11 W. Va. 747	61	Strauder, State v. 11 W. Va. 747	61
Straw, State v. 33 Me. 554	1465,	Straw, State v. 33 Me. 554	1465,
	1539, 1545		
State v. 42 N. H. 393	1350,	State v. 42 N. H. 393	1350,
	1359, 1382, 1400		
Street, State v. 1 Murph. 156	1278,	Street, State v. 1 Murph. 156	1278,
	1287, 1290		
v. State, 43 Miss. 1	1398	v. State, 43 Miss. 1	1398
Streater v. People, 69 Ill. 595	1498 a,	Streater v. People, 69 Ill. 595	1498 a,
	1530		

TABLE OF CASES.

SECTION	SECTION
Sullivan v. State, 5 Stew. & P. 175 v. State, 13 Tex. Ap. 462	Sweetman, People v. 3 Parker C. R. 368 v. Duffield, 5 S. & R. 38
836, 837 814	266, 1275 592
Sully, People v. 5 Parker C. R. 142 1160, 1187	Swindall, R. v. 2 C. & K. 230; 2 Cox C. C. 273 163, 165, 305, 354, 355, 366
Summerlin v. State, 3 Tex. Ap. 444 1557	Swindle v. State, 2 Yerg. 581 Swink, State v. 4 Dev. & B. 458 Swope, State v. 20 Ind. 106
Summers, R. v. 3 Salk. 194 1976	149, 1618 1556a 1567
Sunderlin v. Bradstreet, 46 N. Y. 188 1633	Syderserf v. R., 11 Q. B. 245 Sylvester, Com. v. 13 Allen, 247 Com. v. 6 Penn. L. J. 283; Brightly, 331 v. State, 72 Ala. 201 v. State, 42 Tex. 496
Sumner, State v. 2 Ind. 377 1076, State v. 2 Speers, 599 1536	1463 1452 1456
1082 d State v. 5 Stroh. 53 1551, 1552, 1554	1466
State v. 10 Vt. 587 1126, 1130, 1135	Szudurskie, R. v. 1 Mood. C. C. 419 729
Superintendent, Com. v. 6 Phila. 169 Com. v. 9 Phila. 581 922, 963	T.
Surratt v. State, 45 Miss. 601 1499	Taber v. Jenny, 1 Sprague, 315 Tabler v. State, 34 Ohio St. 127
Susquehanna Road v. People, 15 Wend. 267 91, 93	79, 597
Sussex Peerage Case, 11 Cl. & F. 84 1701, 1710	Tacey, R. v. R. & R. 452 Tachanatah, State v. 64 N. C. 614 282 a, 476, 477
Sutcliffe, State v. 4 Stroh. 373 835, 840, 1082 a	Tackett, State v. 1 Hawks, 210 v. State, 4 Yerg. 392
Suter, R. v. 10 Cox C. C. 577 1157, 1158	455, 458 414
Sutherland, State v. 30 Iowa, 570 1757	Tallos, R. v. 4 Cox C. C. 169 Taggart, R. v. 1 C. & P. 201 v. Com., 21 Penn. St. 527
Sutton's Hospital Case, 5 Co. 253 91	1015 1858 1426
Sutton, R. v. 2 Moody, 29 R. v. 5 N. & M. 353 70	v. People, 43 Cal. 81 Taintor, U. S. v. 11 Blatch. 374 v. Taylor, 16 Wall. 367
R. v. 2 Str. 1074 720	809 84, 293
v. Fox, 55 Wis. 531 31	Tallant v. State, 14 Tex. Ap. 234 Tally, State v. 74 N. C. 322 1728, 1729
v. State, 9 Ohio, 133 266	Tamkin, People v. 62 Cal. 468 Tannan, People v. 4 Parker C. R.
v. State, 10 R. I. 159 94	485 514 519
Swadley, State v. 15 Mo. 515 1499	Tanner, R. v. 1 Esp. 304 v. Com., 14 Grat. 635 v. Trustees, 5 Hill (N. Y.), 121
Swafford, State v. 3 Lea, 162 857	1358 885, 902, 903, 910 1462, 1465
Swaggerty v. State, 9 Yerg. 338 997	Tappan, State v. 1 Foster, 56 v. Wilson, 7 Ohio, 190
Swailles v. Terr., 1 N. Mex. 119 644	1244, 1314 1598
Swails, State v. 8 Ind. 524 182, 184, 642	Tarble's Case, 13 Wall. 399 Tarbox, Com. v. 1 Cush. 66 1656, 1657 v. State, 38 Ohio St. 581 1195, 1398
Swallow, R. v. 1 Russ. Cr. 792 772	Tarpley v. People, 42 Ill. 340 Tarr, State v. 28 Iowa, 397 555, 558, 560
v. State, 20 Ala. 30 1465 b	645 d
Swan, People v. 1 Parker C. R. 9 901 v. Saunders, 14 Cox C. C. 566 1082 d	786
v. State, 4 Humph. 136 50, 52, 54, 377, 380, 381	v. Wilson, 7 Ohio, 190 1598
Swancott v. State, 4 Tex. Ap. 105 1721 a	Tarble's Case, 13 Wall. 399 268
Swann, State v. 65 N. C. 330 640 a	Tarbox, Com. v. 1 Cush. 66 1656, 1657 v. State, 38 Ohio St. 581 1195, 1398
Sweeney, Com. v. 131 Mass. 579 1428 Com. v. 10 S. & R. 173 1656	Tarpley v. People, 42 Ill. 340 645 d
Sweenie, R. v. 8 Cox C. C. 223 561	Tarr, State v. 28 Iowa, 397 555, 558, 560

TABLE OF CASES.

SECTION	SECTION
Tarrant, R. v. 4 Burr. 2106 314	1362, 1371 1474
Tarry v. Ashton, L. R. 1 Q. B. D.	1512 c, 1514 a
Tarver, State v. 11 Lea, 658	182, 183, 603, 606
Tassels, State v. Dudley, 229	282 a
Tate, R. v. 12 Cox C. C. 7	1276, 1281, 1304
v. State, 43 Ala. 354	25, 1466
v. State, 6 Blackf. 110	218, 1432, 1432 a
Tatlock, R. v. 13 Cox C. C. 328; L. R. 2 Q. B. D. 157	1055, 1057
Tatman v. Strader, 23 Ill. 439	1491 a
Tatro, State v. 50 Vt. 483	52
Tatum v. State, 63 Ala. 147	1512 a
v. State, 66 Ala. 465	1070, 1082 d
Taunt, State v. 16 Minn. 109	952
Taunton v. Costar, 7 T. R. 427	1100, 1105
Taylor, ex parte, 5 Cowen, 51	304
Taylor, Com. v. 5 Bin. 277	15 a, 17,
v. Com., 3 Bush, 508	1108, 1550, 1599
v. Com. 20 Grat. 825	731
v. People, 6 Parker C. R. 347	1465 b
v. State, 22 Ala. 15	1552
v. State, 48 Ala. 157	1298, 1313
v. State, 48 Ala. 180	455, 488
v. State, 36 Ark. 84	1748 b
v. State, 4 Ga. 14	1659
v. State, 50 Ga. 79	188, 550
v. State, 6 Humph. 285	18, 1067, 1080, 1082 d
v. State, 11 Lea, 708	177, 393
v. State, 82 N. C. 554	624
v. State, 3 Tex. Ap. 387	317
v. State, 9 Tex. Ap. 100	219
Tazwell, State v. 30 La. An. Pt. II. 884	1528 a, 226, 817
Teague, R. v. 2 East P. C. 979; & R. 33	677, 695, 697
Teahan, State v. 50 Conn. 92	1515, 1529
R. v. Holt, 534	1328
R. v. L. R. 2 C. C. 147; 12	211, 211 d, 214, 227, 232, 920, 1773, 1774
Cox C. C. 627	211 d,
R. v. 1 Leach, 49	1349
R. v. 1 Leach, 360, 395	222, 938
R. v. 2 Lew. C. C. 217	470
R. v. 7 Mod. 123	1111
R. v. R. & R. 373	1082 c
R. v. 2 Stark. 143	1605
R. v. Ventr. 293	1605
Teal v. State, 22 Ga. 75	488, 489
Tedwell v. State, 70 Ala. 33	54
Tefft v. Com. 8 Leigh, 921	1498 a
Teideman, State v. 4 Stroh. 309	986
Teischer, Resp. v. 1 Dall. 335	15 a, 18, 19, 899, 1067, 1076
Teissedre, State v. 30 Kan. 476	1505
Telegraph Co., R. v. 9 Cox C. C. 137	1474
Temple, Com. v. 14 Gray, 691 v. People, 4 Lansing, 119	1478
v. People, 4 Lansing, 119	489, 505

TABLE OF CASES.

SECTION	SECTION
Tennessee Club v. Dwyer, 11 Lea, 452	Thomas, State v. 53 Iowa, 214 1519 a
1519 a	575, 1751
Tenney, Com. v. 97 Mass. 50 266, 293, 1041, 1052	State v. 29 La. An. 601 517
Terry, Com. v. 114 Mass. 263 1297	State v. 30 La. An. 600 884
State v. 4 Dev. & Bat. 185 825,	U. S. v. 15 Wall. 337 95, 1803
1465 a	v. Com., 2 Leigh, 741 28, 590
State v. 30 Mo. 368 1283	v. Com., 2 Rob. (Va.), 795 1245, 1251, 1261, 1286
v. State, 13 Ind. 70 857	v. Crowell, 7 Johns. 264
Tessier, State v. 32 La. An. 1227 1176	1611, 1614, 1639, 1651
Tessymond's Case, 1 Lew. 169 346,	v. People, 59 Ill. 160 1491,
368	1497
Testerman, State v. 68 Mo. 408 392,	v. People, 34 N. Y. 351 1152,
537	1176
Tewkesbury, R. v. L. R. 3 Q. B. 629	v. People, 67 N. Y. 218 963,
1835	964
Thacher, Com. v. 97 Mass. 583 1491	v. State, 55 Ala. 260 1446
Thackam, State v. 1 Bay, 358 1545	v. State, 59 Ga. 784 682
Thallman, R. v. L. & C. 326; 9 Cox C. C. 388	v. State, 5 How. (Miss.) 20
1470	807
Tharp, U. S. v. 5 Cranch C. C. 390	v. State, 37 Miss. 373 1514 a
641	v. State, 61 Miss. 60 455, 482
Tharsis Co. v. Loftus, L. R. 8 C.P. 1	v. State, 78 Mo. 327 303
1571	v. State, 14 Tex. 71 1736
Thatcher, State v. 35 N. J. 445 879,	v. State, 41 Tex. 27 839
1176, 1184, 1195	v. State, 14 Tex. Ap. 200 1072
Thayer, Com. v. 5 Metc. 248 1505,	v. Thomas, 51 Ill. 162 940
1516	v. Winchester, 6 N. Y. 397
Com. v. 8 Metc. 525 1519	166
v. State, 11 Ind. 287 1546	Thomason v. State, 70 Ala. 30 1506
v. Thayer, 101 Mass. 111 1733	Thomason v. State, 22 Ga. 499 878,
Thelluson v. Woodford, 4 Ves. Jr. 340	947
592	v. State, 15 Ind. 449 1506
Therasson v. People, 82 N. Y. 238 1176, 1179, 1182	Thompson, Com. v. 6 Allen, 591;
Therley v. Riggs, 11 Humph. 53 1854	11 Allen, 23 88, 1691,
Thoma, U. S. v. 2 N. J. Law J. 181; 19 Alb. L. J. 482 1827	1693, 1723, 1726
Thomas, Com. v. 10 Gray, 483 727	Com. v. 3 Dana, 301 1283
Com. v. 1 Va. Cas. 307 655,	Com. v. Lewis C. L. 197
579	1197
in re, 12 Blatch. 370 268	Com. v. 6 Mass. 134 364,
People v. 63 Cal. 48 181, 192	365
People v. 3 Hill. (N. Y.), 169 1197	Com. v. 99 Mass. 444 1730,
People v. 3 Parker C. R. 256 715	1734
R. v. 2 C. & K. 106 1307	Com. v. 116 Mass. 346 576
R. v. 7 C. & P. 817 48, 49, 54, 470, 473, 476	People v. 34 Cal. 671 921,
R. v. 9 C. & P. 741 964, 965	922, 936
R. v. 6 Cox C. C. 403 1014,	R. v. 2 East P. C. 498;
1018	2 Leach, 771 784
R. v. 2 East P. C. 781 997	R. v. 1 Eng. L. & Eq. 542; 2 Craw. & D. 491
R. v. 1 Russ. Cr. 614 411	919
R. v. 1 Russ. Cr. 823 (4th ed.); 4 M. & S. 442 94	R. v. L. & C. 225; 9 Cox C. C. 222 888, 932,
State v. 47 Conn. 546 31, 1498 a, 1528, 1530 a	956, 961, 963, 1140
State v. 50 Ind. 292 1466	R. v. 1 Mood. C. C. 80 414, 415, 430, 923
788	R. v. 1 Mood. C. C. 133 519
	R. v. 16 Q. B. 832; 5 Cox C. C. 166 1340,
	1388, 1393, 1407

TABLE OF CASES.

SECTION	SECTION
Thompson, R. v. 2 Russ. Cr. 174	928
People v. 34 Cal. 671	921
State v. 9 Iowa, 188	486 a
State v. 44 Iowa, 399	1528 a
State v. 32 La. An.	115
796	1044
State v. 30 Mo. 470	583
State v. 12 Nev. 140	54,
	393
State v. 2 Strobb. 12	24,
	1477
State v. 20 W. Va. 674	1505
U. S. 1 Summer, 168	270,
	1880
v. Busch, 4 Wash. C. C.	
340	1872
v. Com., 4 Leigh, 652	817
v. Com., 1 Meto. (Ky.)	13
	211
v. River Co., 54 N. H.	545
	1473
v. Shackell, M. & M.	187
	1632, 1640
v. State, 25 Ala. 41	220,
	399 a, 478
v. State, 49 Ala. 16	680
v. State, 70 Ala. 26	1551,
	1554
v. State, 37 Ark. 408	1499
v. State, 55 Ga. 87	458
v. State, 5 Humph. 138;	2 Humph. 399
	1422
v. State, 18 Ind. 386	149
v. State, 45 Ind. 495	1503
v. State, 51 Miss. 353	1070,
	1079, 1082 d
v. State, 9 Ohio St. 354	699
v. State, 36 Tex. 326	532
v. State, 43 Tex. 583	555
v. State, 9 Tex. Ap.	
301	949, 979
v. State, 14 Tex. Ap. 70	
	1736
v. Thompson, 114 Mass.	
566	88, 1702, 1705
Thomson, U. S. v. 12 Fed. Rep.	245 88
Thorley, R. v. 1 Mood. C. C.	343 1023
Thorn v. Blanchard, 5 Johns.	508 1636
R. v. C. & M. 206	748, 1123
v. White, 1 Pet. Adm.	171 1872
Thornburg v. State, 16 S. C. 482	1506
Thornbury v. State, 6 Ired.	79 676
Thorne, State v. 81 N. C. 555	843
Thornhill, R. v. 8 C. & P. 575	1304
Thornton, Com. v. 113 Mass.	1080,
	1082 d
People v. 24 Alb. L. J.	
441	1858
State v. Busbee, 252	1449,
	1454
	789

TABLE OF CASES.

SECTION	SECTION
Tinklepaugh, U. S. v. 3 Blatch. 425	649, 652
Tinkler, R. v. 1 F. & F. 513	87, 1756
Tinsdale, People v. 10 Abb. Pr. N. S. 374	1082 d
Tippins v. State, 14 Ga. 422	929
Tipton v. State, 27 Ind. 492	1836
Tirnan's Case, 5 B. & S. 645	284, 1866
Tisdale, R. v. 29 Up. Can. (Q. B.) 272	1578, 1579
Tissing, State v. 74 Mo. 72	1525
Tite, R. v. L. & C. 29; 8 Cox C. C. 458	1018, 1021
Titley, R. v. 14 Cox C. C. 500	596
Titus, Com. v. 116 Mass. 42	901, 902, 909
Tivery, R. v. 1 C. & K. 705	1070, 1082 d
Tivnan's Case, 5 B. & S. 645	284, 1866
Tobin, Com. v. 2 Brews. 570	921
Com. v. 108 Mass. 426	187, 648, 1272
Todd, R. v. 2 East P. C. 653	938
v. Hawkins, 2 M. & R. 20; 8 C. & P. 88	1629
v. State, 31 Ind. 514	1185, 1216
Tolever, State v. 5 Ired. 462	1093
Tolfree, R. v. 1 Mood. C. C. 243	919
Tollet v. Thomas, L. R. 6 Q. B. 815	1465 a
Tolett, R. v. C. & M. 112	918, 919
Tom, State v. 2 Dev. 569	1388
Tomkinson, R. v. 14 Cox C. C. 603	1055
Tomlin, State v. 5 Dutch. 13	1135, 1139, 1175, 1177, 1193
Tomlinson, People v. 35 Cal. 503	696
R. v. 6 C. & P. 379	534
R. v. L. R. 1 C. C. 49	1259
Tompkins, People v. 9 Johns. 70	1672, 1677
State v. 32 La. An. 620	1053
State v. 71 Mo. 613	683
v. Taylor, 21 N. Y. 173	1505
Tompson, Com. v. 2 Cush. 551	1728
v. Dashwood, L. R. 11 Q. B. D. 43	321
Toney, State v. 15 S. C. 409	68
v. State, 60 Ala. 97	1451, 1452
v. State, 61 Cal. 1	1465
Tongue, R. v. Bell C. C. 289	1011
Tonkinson, R. v. 44 L. T. (N. S.) 821	1056
Tonnery, State v. 9 Iowa, 436	841
Toohy, State v. 2 Rice's Dig. 104	381, 472, 1551
Toole, State v. 29 Conn. 344	825, 830, 837, 841
Tooley's Case, 2 Ld. Raym. 1296	414, 441
Tooley, R. v. 11 Mod. 242	505
Toomer, State v. 1 Chev. (S. C.) 106	512
Tooney v. State, 5 Tex. Ap. 163	377, 384
Toops v. People, 92 Ind. 13	1420
Topham, R. v. 4 T. R. 127	1599
Topolsnick v. State, 40 Tex. 160	566
Topping, R. v. Dears, 647; 7 Cox C. C. 103	1682, 1685
Toram, Com. v. 5 Penn. L. J. 296	1085, 1108, 1111
Torney v. State, 13 Mo. 455	1465, 1465 b
Torpey, R. v. 12 Cox C. C. 45	77, 78, 79
Torrence v. Com., 9 Barr. 184	1109, 1111
Torres, People v. 38 Cal. 141	120, 645 a
Toshack, R. v. T. & M. 207; 1 Den. C. C. 592; 4 Cox C. C. 38	653, 687
Touchett, R. v. 1 B. & H. Lead. Cas. 99	40
Towers, R. v. 12 Cox C. C. 530	167
Towey, R. v. 8 Cox C. C. 328	1319
Towle, R. v. R. & R. 314; 3 Price, 145	222
Town, State v. Wright, 75	218, 543
Townley, R. v. 3 F. & F. 839	40, 46
R. v. L. R. 1 C. C. 315;	
12 Cox C. C. 59	868, 869, 926
Townsend, People v. 3 Hill (N. Y.),	
479	67, 70, 73, 80, 1419, 1433, 1459
R. v. 10 Cox C. C. 356	1644
State v. 2 Harring.	543
	1550, 1551
State v. 5 Harring.	487
	426
State v. 1 Houst.	10
	266
State v. 86 N. C.	676
	1657
v. Wathen, 1 East,	277
	507
Townshend, R. v. 15 Cox C. C. 468	1052
Toynbee, People v. 20 Barb. 169; S. C., on appeal, 2 Park. C. R. 490	1630 a
Tract of Land, U. S. v. 1 Woods, 475	1784
Tracy, R. v. 6 Mod. 30	1568
	State v. 12 R. I. 216
	1526
	v. Talbot, Salk. 332
Trafford, R. v. 1 B. & Ad. 874	15, 1477
Trafton v. State, 5 Tex. 480	887

TABLE OF CASES.

	SECTION		SECTION
Trainer, R. v. 4 F. & F. 105	94, 337, 349	Tuberville v. Savage, 1 Mod. 3 v. Stampe, 1 Ld. Raym. 264	603 241, 1422
Trammel, State v. 2 Ired. 379	1403	Tuck, Com. v. 20 Pick. 356 v. Armstrong, 76 Ill. 71	811, 818 1160
Tranter, R. v. 1 Stra. 499	403, 473	Tucker, Com. v. 110 Mass. 403 Com. v. 2 Pick. 44	826 1415, 1473, 1475
Trapp, State v. 17 S. C. 467	800, 816	R. v. 2 C. & P. 500 v. State, 8 Lea, 633	1823 142, 1759, 1765
Trapshaw's Case, 1 Leach, 427	803		
Trask, State v. 42 Vt. 152	1252, 1276	Tuckerman, Com. v. 10 Gray, 173	1030
Trauten, People v. 56 Miss. 454	543	Tucket, R. v. 1 Cox C. C. 103 R. v. 1 Mood. C. C. 134	65 1665
Travers, U. S. v. 2 Wheel. C. C. 510; 1 Brunf. (U. S.) 467	405, 415, 440, 455	Tuckwell, R. v. C. & M. 215 Tuller, State v. 34 Conn. 280	230, 233 266, 1041
Travis, People v. 4 Parker C. R. 213	1269	v. State, 8 Tex. Ap. 501 Tulley v. People, 6 Mich. 273	837 543
Treadaway v. State, 37 Ark. 443	1221	Tullis v. State, 41 Tex. 598 Tully, in re, 20 Fed. Rep. 812	211 d, 831 667
Treadgill, R. v. 14 Cox C. C. 188	288	R. v. 9 C. & P. 227 U. S. v. 1 Gall. 247	1212, 1213 1860
Trebilcock, R. v. 7 Cox C. C. 408; Dears. & B. 453	887, 900	v. Com., 11 Bush, 154 v. Com., 13 Bush, 142 v. Com., 4 Met. 357	242, 287 814
Treble, R. v. 2 Taunt. 328; R. & R. 164; 2 Leach, 1040	677	v. People, 67 N. Y. 15	581
Tredway, People v. 3 Barb. 470	1296	Tannard, R. v. 2 East P. C. 687	963
Treeve, R. v. 2 East P. C. 821	333,	Turley, People v. 50 Cal. 469	455
	361, 406, 1120	Turner's Case, Ware, 83	1872
Trenfield, R. v. 1 F. & F. 43	746	Turner's Case, Comb. 407; 1 Ld. Raym. 143; 2 Sid. 1498	1458
Trent Case, Woolsey, § 81	275	Turner's Case, 1 Lew. 177	534, 539
Trenton, State v. 36 N. J. L. 283	1412,	Turner, Com. v. 8 Bush, 1 ex parte, 6 Int. Rev. Rec.	1079
	1440	147	268
Trexler, State v. 29 Cal. 579	644	R. v. 2 C. & K. 732	1326
State v. 2 Car. L. R. 90	854,	R. v. 8 C. & P. 755	600
	928, 1399	R. v. 9 Cox C. C. 145	88, 1691
v. State, 19 Ala. 21	192, 644	R. v. 11 Cox C. C. 551	1018, 1019, 1021
Trice, State v. 88 N. C. 627	167, 1340	R. v. 13 East, 228	1350, 1359
Trickey, Com. v. 13 Allen, 559	1431 a	R. v. 4 F. & F. 339	214, 397
TriHoe, R. v. 2 Mood. C. C. 260;	1	R. v. 1 Leach, 305	787, 799
Car. & M. 650	445, 592	R. v. 5 M. & S. 205	1500
Trim v. Com., 18 Grat. 483	212	R. v. 1 Mood. C. C. 239	839
Trimble v. State, 22 Ark. 355	1465,	R. v. 1 Mood. C. C. 347	237, 982
	1465 a	State v. 19 Iowa, 144	990
Trimmer, Com. v. 1 Mass. 476	76, 79,	State v. 63 Mo. 436	819
	760, 935	State v. 66 N. C. 618	869, 871
Trittico v. State, 13 Ind. 360	1535,	State v. Wright, 30	305, 380
	1537	U. S. v. 7 Peters, 132	660, 695, 699
Trivas, State v. 32 La. An. 1086	51,	v. Holtzmann, 54 Md. 148,	1426
	52, 53, 389	v. Meymott, 7 Moore, 574;	
Trogden v. Com., 31 Grat. 862	1184	8 Eng. C. L. 280; 1	
Trout, U. S. v. 4 Biss. 105	728	Bing. 158	1100, 1105
Troy R. R. Co., Dater v. 2 Hill, 629	1476		
Troy, R. v. 1 Cr. & Dix, 556	1565		
Trueman v. Casks, Thach. C. C. 14	1441		
Truitt v. State, 8 Tex. Ap. 148	218		
Trulook, State v. 46 Ind. 289	637		
Truman, R. v. 2 Cox C. C. 306	1018		
Trumman's Case, 1 East P. C. 470	1700		
Trussell v. Scarlett, 18 Fed. Rep. 214	1633		
Tryon, Com. v. 99 Mass. 442	76, 1422, 1504, 1509		
Tubbee, R. v. 1 Up. Can. (P. R.) 103	1709		

TABLE OF CASES.

SECTION	U.	SECTION	
Turner v. People, 33 Mich. 363	557	Uhl v. Com., 6 Grat. 706	78, 79, 180, 198, 223
v. State, 40 Ala. 21	30, 982 a	Ullman v. State, 1 Tex. Ap. 220	981 c
v. State, 70 Ga. 767	459	Ulmer v. State, 14 Ind. 52	237
v. State, 28 Miss. 684	292	Ulrich v. Com., 6 Bush, 400	88, 1507, 1512 a
v. State, 1 Ohio St. 422	847,	Ulrioi, U. S. v. 3 Dillon, 532	192, 1382
	857	Ulysses, The, 1 Brunf. (U. S.) 529	
Turney v. State, 67 Ind. 595	1431 a, c		
v. State, 81 Ind. 559	1038		
v. State, 8 S. & M. 104	568		
Turhpike Co., Com. v. 2 Va. Cas.	362		1876
	91	Udenstock, State v. 43 Tex.	554, 1298
Turnpike Road Co. v. People, 15		Umphrey v. State, 63 Ind. 223	883, 893
Wend. 267	26, 91	Underwood, People v. 16 Wend.	
Turns v. Com., 6 Met. 224	530	546	1240, 1351
Turpin v. Road Co., 48 Ind.	45	State v. 49 Me.	181, 291, 928, 930
v. State, 4 Blackf. 72	1545	State v. 57 Mo. 40	476,
Tutchin, R. v. 5 St. Tr. 527	1611, 1660		482
Tutt, State v. 2 Bailey, 44	748	State v. 75 Mo. 230	413,
Tuttle, Com. v. 12 Cuss. 502	1528 a		419
v. Com., 2 Gray, 505	1508	v. State, 25 Tex.	
v. People, 36 N. Y. 431	1270,	Suppl. 389	480
v. State, 1 Tex. Ap. 364	1465 b	United Kingdom Tel. Co., R. v. 3	
Tweed, People v. 1 N. Y. Cr. R. 97	973	F. & F. 732; 9 Cox C. C. 174	1473
State v. 3 Dutch. 111	1837	United Tel. Co., R. v. 31 L. J. 167	1474
Tweedy, State v. 5 Iowa, 433	486 a	Upchurch, R. v. 1 Mood. C. C. 468	74
Twisleton, R. v. 1 Lev. 257; 1 Std.	387	Updegraph v. Com., 11 S. & R. 394	
	1756	20, 1605, 1615	
Twist, R. v. 12 Cox C. C. 509	974	Upfold v. Leit, 5 Esp. 100	677
Twitchell v. Com., 9 Barr, 211	699,	Uprichard, Com. v. 3 Gray, 434	291,
1348, 1349, 1357, 1362			930
Twitty, State v. 2 Hawks, 248	715,	Upthegrove v. State, 37 Ohio St.	
728 a, 1657		662	645
State v. 1 Hayw. 102	783	Upton, Com. v. 6 Gray, 473	1412, 1415,
Twogood, State v. 7 Iowa, 252	15 a		1440
Two Hundred and Fourteen Boxes,		R. v. 1 C. & K. 55	1700
U. S. v. 20 Fed. Rep. 50	1965	R. v. 5 Cox C. C. 298	1082
Twombly, Com. v. 119 Mass. 104	1498 a	R. v. 2 Strange, 816	177
Twose, R. v. 14 Cox C. C. 327	87	State v. 20 Mo. 397	543
Twyning, R. v. 2 B. & A. 386	1706	Urias, People v. 12 Cal. 325	393
Tye, R. v. R. & R. 345	154, 519, 523,	Urry, R. v. (Lincoln Spring Assizes,	
	531	1873)	557
Tyers, R. v. R. & R. 402	1018, 1044	U. S. Bk. v. Russell, 3 Yeates, 391	677
Tyler, People v. 36 Cal. 522	555, 568	Usefulman Soc., State v. 42 N. J.	
B. v. 8 C. & P. 616	94, 207,	L. 504	91
212, 214, 220		State v. 44 N. J.	
v. People, 1 Breese, 227	902,	L. 502	1474
	909	Usemer v. State, 8 Tex. Ap. 177	1431 a
v. People, 8 Mich. 326	272, 292	Usher v. Severance, 20 Me. 9	1639,
v. State, 2 Humph. 37	1139,		1846, 1652
	1164, 1224	Usill v. Hales, L. R. 3 C. P. D. 206,	
Tynney, R. v. 1 Den. C. C. 319	682	319	1639
Tyra v. Com., 2 Meto. (Ky.) 1	182	Utley, State v. 82 N. C. 556	186, 192
Tyree, R. v. L. R. 1 C. C. 177;	11	Utter, People v. 44 Barb. 170	247
Cox C. C. 241	1012, 1014, 1017,		
	1018	V.	
Tyron, People v. 4 Mich. 665	1043,	Vadnais, State v. 21 Minn. 382	576,
	1061		641 a
Tyson, R. v. L. R. 1 C. C. 107;	11		
Cox C. C. 1	1277, 1279		

TABLE OF CASES.

SECTION	Vaidon v. Com., 12 Grat. 717	476, 485, 486	SECTION	
Van Tassel, People v. 59 Wis. 351			Vantandille, R. v. 4 M. & S. 73	16
			1436, 1606	
Van Tuyl, Com. v. 1 Metc. (Ky.) 1			1741	
			1206	
Van Blareum, People v. 2 Johns.			Vanvalkenburg v. State, 11 Ohio,	
105			404	15 a
			Van Vechten v. Hopkins, 5 Johns.	
Van Butchell, E. v. 3 C. & P. 629			211	1660
			Vanzanet, U. S. v. 3 Wash. C. C.	
Vance, State v. 17 Iowa, 138			146	1897
			Varley, R. v. 2 W. Bl. 682; 1 East	
			P. C. 164	749
			Varney, Com. v. 10 Cuss. 402	1656
			Vasel, State v. 47 Mo. 416	444, 1574,
			1576	
			Vasquez, People v. 49 Cal. 560	229,
				384
			Vasser v. State, 55 Ala. 264	598
			Vaughan's Case, 2 Salk. 636; 5 St.	
			Tr. 17	1792, 1803
			Vaughan, R. v. 4 Burr. 2494	1371,
			1572 b, 1857, 1858	
			R. v. 9 B. & S. 329	411
			R. v. 8 C. & P. 276	713
			R. v. 1 Cox C. C. 80	34
			State v. 1 Bay, 282	1116,
				1130, 1665
			State v. 3 Sm. & M. 553	183
			v. Com., 2 Va. Cas. 273	318
			Vaughn v. Com., 10 Grat. 758	964
			v. State, 5 Iowa, 369	1528 a
			Vaux's Case, 4 Co. 44 b; Post. 349	207
			Vawter, State v. 7 Blackf. 592	523,
				592, 597
			Veal v. State, 8 Tex. Ap. 474	30, 31,
				576 a
			Veley, R. v. 4 F. & F. 1117	1641 a
			Verden, State v. 24 Iowa, 126	1498 a
			Verelst, R. v. 3 Camp. 432	1315, 1570
			Veremaitre's Case, 13 Am. L. Rep.	
			608	267, 268
			Vermont R. R., Com. v. 4 Gray, 22	91
			State v. 27 Vt. 103	
				1476
			State v. 30 Vt. 108	91
			Vernon v. Vestry, L. R. 16 Ch. D.	
			449	1432
			Verrier, R. v. 12 Ad. & El. 317	1319,
				1322
			Verrill, State v. 54 Me. 408	393, 543
			Van Shack, Com. v. 16 Mass. 105	826
			Van Sickie, Com. v. Brightly, 69;	
			4 Clark (Pa.), 104	26,
			1412, 1415, 1416, 1440	
			v. People, 29 Mich. 61	695
			Van Steenburgh v. Kortz, 10 Johns.	
			167	1263, 1270, 1272
			Vidal v. Girard, 2 How. 127	20, 1605
			Viera, People v. 52 Cal. 451	645 d
			Vigol, U. S. v. 2 Dall. 346	1796
				798

TABLE OF CASES.

SECTION	
Villato, U. S. v. 2 Dall. 370; 1 Wh. St. Tr. 185	282, 1782, 1805, 1908
Vincent, <i>ex parte</i> , 26 Ala. 145	783, 791
R. v. 9 C. & P. 91	1353, 1356,
	1535
R. v. 9 Eng. L. & Eq. 548;	
3 C. & K. 246; 2 Den.	
464; 5 Cox C. C. 537	938
v. State, 9 Tex. Ap. 303	884
Vine, R. v. L. R. 10 Q. B. 195	1500
Vinegar, People v. 2 Parker C. R. 24	641
Vines, State v. 1 Honst. 424	443
State v. 34 La. An. 1079	107, 318
Vint, R. v. Steph. Dig. C. L. art. 99	1612 a
Virginians Case, Wh. on Hom. § 490	487 a
Virrier, R. v. 4 P. & D. 161; 12 Ad. & El. 317	1290
Voglesong v. State, 9 Ind. 112	1431 c
Volz, U. S. v. 14 Hatch. 15	1267
Voorhees, U. S. v. 9 Fed. Rep. 143	1063
Voorhies v. Dorr, 51 Barb. 580	1854
Vorbeck, State v. 66 Mo. 168	1168, 1218
Voshall, State v. 4 Ind. 589	1546
Voss v. State, 93 Ind. 211	1103
Vowels, State v. 4 Oreg. 324	581
Vyse, R. v. 1 Mood. C. C. 218	879, 880, 881, 882 a
R. v. 3 F. & F. 247	35
W.	
W., Com. v. 3 Pitts. 464	596
Wabash R. R. v. People, 12 Ill. Ap. 448	1476
Waddell, U. S. v. 16 Fed. Rep. 221 1356 a, 1356 b	
U. S. v. 112 U. S. 76	1356 b, 1372
v. State, 1 Tex. Ap. 720	629
v. State, 37 Tex. Ap. 355	
	1557
Waddington, R. v. 1 B. & C. 26	20, 1605
R. v. 1 East, 143	1366, 1851
Waddle, Penn. v. Addis. 41	1104
Wade, Com. v. 17 Pick. 395	836, 837, 841
R. v. 1 C. & K. 739	990 a, 993
v. State, 71 Ind. 535	244
Wadham v. Rigg, 1 Drew & Sm. 216	1053
Wadsworth, R. v. 5 Mod. 13	1579

TABLE OF CASES.

SECTION	
Walker v. State, 8 Ind. 290	120, 645 a
v. State, 2 Swan, 287	84
v. State, 9 Tex. Ap. 38	938
v. State, 13 Tex. Ap. 618	543
v. State, 14 Tex. Ap. 609	525
v. Winn, 8 Mass. 248	1596
Walkinds, U. S. v. 7 Sawy. 52	1838 a
Wall, R. v. 2 East P. C. 953	695, 697
State v. 34 Me. 165	1505
State v. 9 Yerg. 347	1268
v. State, 32 Ark. 565	1685
v. State, 23 Ind. 150	15 a, 641, 644
v. State, 18 Tex. 682	393
Wallace, Com. v. 7 Gray, 222	31, 1498 a, 1528, 1530
Com. v. 123 Mass. 401	1498 a, 1520, 1528 a
Com. v. Thach. C. C. 592	1835
People v. 9 Cal. 30	393
State v. 11 Lea, 542	1157, 1214
State v. 9 N. H. 515	1697, 1720, 1733
v. Com. v. 2 Va. Cas. 130	1571, 1572
v. People, 63 Ill. 451	843, 941
v. State, 7 Tex. Ap. 570;	
10 Tex. Ap. 255	445
v. State, 12 Tex. Ap. 779	
v. State, 13 Tex. Ap. 100	1466
Wallaich v. Van Riswick, 92 U. S. 202	1467
Waller, R. v. 10 Cox C. C. 360	963
State v. 3 Murph. 229	19, 1431, 1432, 1447
State v. 80 N. C. 101	1733
v. Lock, 44 L. T. (N. S.) 212	1632
n. State, 40 Ala. 325	555
v. State, 38 Ark. 656	1505
Wallis, R. v. 1 Mood. C. C. 344	836, R. v. Salk. 384
v. Mease, 3 Binn. 546	869
Walls, R. v. 2 C. & K. 214	854
State v. 54 Ind. 561	1856
v. State, 32 Ark. 565	292, 1685
v. State, 7 Blackf. 572	1557
v. State, 54 Ind. 561	1559
Walpole v. Sanders, 7 D. & R. 130	1465 a
Walrath v. State, 8 Nebr. 80	208, 211, 238
Walsby v. Anley, 3 E. & E. 516	1366
Walsh, Com. v. 132 Mass. 8	641
People v. 43 Cal. 447	504, 505

TABLE OF CASES.

	SECTION		SECTION
Ward v. Smith, 6 Bing. 749	1633	Washburn, People v. 10 Johns.	160
v. State, 28 Ala. 53	630		173, 179, 1674
v. State, 48 Ala. 161	872, 925	Washington, State v. 72 Ala.	272
v. State, 49 Conn. 429	291, 983		1054, 1060
v. State, 48 Ind. 293	1505	State v. 1 Bay,	120 713
v. State, 12 Tex. Ap. 174	555	State v. 15 Rich.	39 938
Wardell, Com. v. 128 Mass.	52 1446,	v. Meigs, 1 McArthur,	53 872
1449, 1748		v. State, 53 Ala.	29 388
Warden, Com. v. 11 Met.	406	v. State, 60 Ala.	10 120,
1287, 1312			383
v. State, 60 Miss.	338 899	v. State, 68 Ala.	851 834
v. State, 17 Ohio St.	32	v. State, 36 Ga.	222
1463			396, 543, 1557
v. State, 24 Ohio St.	143	v. State, 68 Ga.	570 211 a,
221			221
Warder v. Bailey, 4 Taunt.	77 411	v. State, 33 La.	An. 1473 237
Wardroper, R. v. 8 Cox C. C.	284	v. State, 13 Tex.	Ap. 76 1737 a
78, 210, 982 a,	992	Wason v. Walter, L. R. 4 Q. B.	73
Wardwell, Com. v. 136 Mass.	164 1636	1634, 1639, 1648	
Ware, State v. 10 Ala.	814 899	Waterfield v. Bishop of Chichester,	2 Mod. 118
State v. 62 Mo.	597 885	1639	
v. State, 67 Ga.	548 576 a, 631	Waterman, Com. v. 122 Mass.	43
Wareham v. State, 25 Ohio St.	601		1362
107, 317		v. People, 67 Ill.	91 687,
Warman, R. v. 2 C. & K.	195; 1		696
Den. 185	519, 523, 533	v. People, 1 Neb.	343 61
Warner's Case, 2 Va. Cas.	95	Waters, R. v. 6 C. & P.	328 164, 521
1700,	1701	v. 7 C. & P.	250 519, 523
Warner, People v. 4 Barb.	314 1494	R. v. 12 Cox C. C.	390 1674,
People v. 5 Wend.	271		1675
1287, 1288, 1296, 1297		R. v. T. & M.	57; 1 Den. 356; 2 C. & K.
R. v. 5 C. & P.	625 397	864 331,	864 331,
R. v. R. & M. C. C.	385 444	335, 359, 373, 513	335, 359, 373, 513
State v. 14 Ind.	572 819	State v. 3 Brev.	507 677
U. S. v. 4 McLean,	463 157,	State v. 39 Me.	54 641
159, 343, 352		State v. 6 Jones (N. C.)	276 1072, 1073
v. Com., 1 Penn. St.	154 28	v. State, 53 Ga.	567 808
Warren, Com. v. 6 Mass.	72 1116,	Watkins, ex parte, 3 Pet.	193 268
1120, 1126, 1130, 1348, 1398		ex parte, 7 Pet.	568 268
People v. 1 Parker C. R.	338	State v. 4 Humph.	256 1112
338	318	State v. 27 Iowa,	415 393
R. v. 10 Cox C. C.	359 963	U. S. 3 Cranch C. C.	441 1116, 1126
R. v. R. & R. 48, n.	361,	v. State, 68 Ga.	832 576 a
1585		v. State, 60 Miss.	323 886
State v. 33 Mo.	30 835	Watrous, State v. 13 Iowa,	489 1080
v. Com., 36 Penn. St.	45 880	Watson, R. v. 1 Camp.	215 1620
v. State, 18 Ark.	95 1467 a	R. v. 2 Cox C. C.	376 1431
v. State, 4 Colo.	130 377	R. v. 32 How. St. Tr.	469 1795
v. State, 1 Greene (Iowa),	106 869	R. v. 2 Leach,	730; 2 East
v. State, 3 Heisk.	269 1556	P. C. 680 964, 973	
v. State, 33 Tex.	517 604	R. v. 2 Stark. (N. P.)	116 1806
v. Warren, 4 Tyrw.	850 1621	R. v. 2 T. R.	199 173, 1628 a
Warshamer, R. v. 1 Mood.	C. C. 466	R. v. 1 W. & S. Med.	J. 5 1667
729, 736		166 24, 46	
Warwick v. State, 25 Ohio St.	21		
1270, 1315			
Wasden v. State, 18 Ga.	264 1747,		
1748			
Wash v. Com., 16 Grat.	530 715		
796			

TABLE OF CASES.

	SECTION		SECTION	
Watson, State v. 70 Ala.	13	1055	Webb, R. v. 3 B. & B.	228 660
State v. 63 Me.	128	831, 843	R. v. Bayl. Bills,	432 657
State v. 41 N. H.	533	963,	R. v. 5 Cox C. C.	154 958
		964, 966	R. v. 1 Den. C. C.	338; 2
State v. 3 R. I.	114	1003	Cox C. C. 376 1431, 1472	
State v. 7 S. C.	67	883	R. v. 14 East,	406 1366, 1851
U. S. v. 17 Fed. Rep.	145	145	R. v. 1 M. & R.	405; 2 Lew.
		1356, 1356 a	196 154, 158, 159, 362	
v. Moore, 2 Cush.	133	366, 531	R. v. 6 Moore,	447 n.; R. &
v. People, 87 N. Y.	561	930	R. 405 670	
v. State, 36 Miss.	593	542	R. v. 1 W. Bl.	19 591, 1571
		1857	State v. 25 Iowa,	235 1449,
v. State, 5 Mo.	497	1313	1451, 1456, 1457	
v. State, 39 Ohio St.	123	1214, 1224	State v. 26 Iowa,	262 1154,
v. State, 5 Tex.	Ap. 11	1214	State v. 87 N. C.	558 866, 922
v. State, 9 Tex.	Ap. 237	1286	State v. 41 Tex.	67
		544, 597	v. State, 52 Ala.	422 816
v. State, 13 Tex.	Ap. 76	1705, 1714	v. State, 5 Tex.	Ap. 596 64
v. State, 13 Tex.	Ap. 160	1466	v. State, 8 Tex.	Ap. 310 1016
		1466	v. State, 9 Tex.	Ap. 496 61
v. Toronto Gas Co.	4 Up.	1433	Webber v. State,	10 Mo. 4 1663
Can. (Q. B.)	158		Weber, People v.	89 Ill. 347 1570
Watts, R. v. 3 B. & B.	197; R. &		Webley v. Woolley,	L. R. 7 Q. B.
R. 436	660, 669		61 1412, 1461	
R. v. 8 C. & P.	614		Webster, Com. v. 5 Cush.	295 525, 540
R. v. 24 Eng. C. L.	573; L.		R. v. Bell,	154; 8 Cox C.
& C. 34; 2 Den.	14; 4		C. 187 1297	
Cox C. C.	336 878, 880,		R. r. 9 Cox C. C.	13 935
922, 943 a,	960, 1027		R. v. 1 F. & F.	515 1319
R. v. M. & M.	281; 2 C. &		State v. 5 Halst.	293 1499,
P. 486	1412, 1413, 1415		1510	
R. v. 1 Salk.	357; 2 Esp.		v. Birchmore,	13 Ves. 362
675	1474, 1477		1706	
v. Kinney, 2 Hill,	22		v. People, 92 N. Y.	422 1168
v. State, 5 W. Va.	532		v. State, 8 Blackf.	400 1466
			v. State, 9 Tex.	Ap. 75 818
Wavell, R. v. 1 Mood.	C. C. 224		Wedge, R. v. 5 C. & P.	298 578
	1123, 1180, 1198		State v. 24 Minn.	158 1572
Way, State v. 5 Neb.	283		v. State, 1 Lea,	687 978
	1721 a,		Weed, People v.	29 Hun. 628 1695 a
State v. 6 Vt.	311		v. Carpenter, 4 Wend.	219 669, 702
Waybright v. State,	56 Ind.		v. People, 56 N. Y.	628 598
122	494,		Weeks, R. v. 8 Cox C. C.	539 750
	536		State v. 30 Me.	182 1078
Wayman v. Com., 14 Bush,	466		Weese, State v. 53 Iowa,	92 543
	84,		Wegener, Rex. v. 2 Stark.	(N. P.) 245 1618, 1619
	1838 b		Weathers v. State,	2 Blackf. 278 1304
Waynick v. State,	45 Iowa,		Weatherspoon v. Woody,	5 Cold. 149 94
516	1498 a		Weaver, State v.	Busbee, 9 145, 163
Weatherby, State v.	43 Me.		State v. 13 Ired.	491 735, 737
268	1695,		v. Bush, 8 T. R.	78 624
	1720, 1722		v. Com., 29 Penn.	St. 445 1667
Weidle, Resp. v. 2 Dall.	88		Webb, Com. v. 6 Rand.	(Va.) 726 1410, 1411, 1428,
	50			1434, 1477, 1480
Weierbach v. Trone,	2 W. & S.			
408	1120, 1126			
Weighurst v. State,	7 Md.			
445	394,			
	541			
Weil v. State,	52 Ala.			
19 1508, 1514 a				
Weinberg v. State,	25 Wis.			
370 1684,				
	1696, 1700			
Weinzorpfin v. State,	7 Blackf.			
186	221, 573			

TABLE OF CASES.

	SECTION
Weirerter v. State, 69 Ind. 269	1508,
	1514
Weithoff, People v. 51 Mich. 214	1465 a
	1465 a
Welch, Com. v. 97 Mass. 593	79, 81,
	1508, 1509
People v. 49 Cal. 174	543
R. v. 2 C. & K. 296; 1 Den.	
199; 2 Cox C. C. 85	1018,
	1062 a
R. v. 1 Eng. L. & Eq. 588;	
2 Den. C. C. 78; 4 Cox	
C. C. 430	703, 706,
	708, 752, 1030
R. v. 1 Q. B. D. 23; 13 Cox	
C. C. 121	1071, 1082 d
State v. 21 Minn. 22	50, 53,
	84, 1832 a, 1835, 1838
State v. 73 Mo. 284	909
State v. 7 Port. 463	1467 a
State v. 37 Wis. 196	652
r. State, 3 Tex. Ap. 413	241
v. Stowell, 2 Doug. (Mich.)	
	332
	1426, 1530
Weld, Com. v. Thacher's C. C. 157	
	87, 491
v. Hornby, 7 East, 199	1415
Weldon v. State, 32 Ind. 81	566
Wellar v. People, 30 Mich. 16	315,
	320, 477
Wellard, R. v. 51 L. T. (N. S.) 605	
	1410, 1470
Weller, Com. v. 14 Bush, 218	1530
Wellings, R. v. 1 C. & P. 454	1038,
	1062 a
Wellington, Com. v. 7 Allen, 299	
	1432 a
Wellock v. Constantine, 2 H. & C.	
146	31 b
Wells v. Abraham, L. R. 7 Q. B.	
554	31 b
ex parte, 18 How. 307	268
R. v. 1 F. & F. 109	1055, 1057
State v. 2 Hill, 687	1275
State v. 46 Iowa, 662	1453
State v. 48 Iowa, 671	1757,
	1763
State v. 61 Iowa, 629	385
v. Com., 12 Gray, 326	1450
v. State, 69 Ind. 286	1513
Welman, R. v. 20 Eng. L. & Eq.	
588; Dears. 188; 6 Cox C. C.	
153	1179
Welsh, Com. v. 1 Allen, 1	1498 a
Com. v. 7 Gray, 324	1082 d,
	1551, 1776
U. S. v. 15 Int. Rev. Rec.	
71	266
v. Head, 4 C. & P. 508	1426
v. People, 17 Ill. 339	963, 965
	798

TABLE OF CASES.

	SECTION
Welsh v. People, 65 Ill. 58	1858
v. State, 50 Ga. 128	543
v. State, 3 Tex. Ap. 443	929
v. State, 9 Tex. Ap. 160	1742,
	1747
Weltje, R. v. 2 Camp. 142	1603, 1616
Wenell v. Adney, 3 B. & P. 247	1585
Wentworth, Com. v. Brightly, 318;	
4 Clark (Pa.), 324	
	1474
Com. v. 118 Mass. 441	88
State v. 65 Me. 234	234,
	1503, 1513
U. S. v. 11 Fed. Rep. 32	
	682
Wentz, Com. v. 1 Ashm. 269	1720
Wenz v. State, 1 Tex. Ap. 36	51
Werfel v. Com., 5 Binn. 65	1480
Wertz v. State, 42 Ind. 161	1428
Wesley, R. v. 1 F. & F. 528	462
v. State, 61 Ala. 282	857
v. State, 65 Ga. 731	555
v. State, 37 Miss. 327	40,
	488, 489
West, R. v. 2 C. & K. 784	445
R. v. 8 Cox C. C. 12	1174
R. v. Deac. C. L. 1518	1082 a
R. v. Dears. 402; 29 Eng.	
L. & Eq. 525; 6 Cox C.	
C. 415	901
State v. 6 Jones (N. C.), 505	
	645 d
v. State, 48 Ind. 483	519, 534
v. State, 59 Ind. 113	488, 606
v. State, 1 Wis. 209	1757, 1762
v. State, 2 Zab. 212	743, 743 a,
	746
Westbeer, R. v. 1 Leach, 12	877
Western R. R., State v. 89 N. C. 585	92
v. Fulton, 4 Snead.	
589	88
Westervelt, Com. v. 11 Phila. 561	590
Westfall, State v. 49 Iowa, 328	494
Westfield, State v. 1 Bailey, 132	223
v. Warren, 3 Halst. 249	
	1697
Westlake, People v. 62 Cal. 303	485,
	488
Weston, R. v. 14 Cox C. C. 346	343,
	488
State v. 9 Conn. 527	901,
902, 903, 909, 982, 985, 989	
West Riding, R. v. 7 T. R. 467	1426
Westwood, R. v. R. & R. 496	783
Wetherall, State v. 5 Harring. 487	
	1412
Wetherbee v. Johnson, 14 Mass.	
412	1275
Wetmore v. State, 55 Ala. 198	1465 b,
	1466
Wetmore v. Tracy, 14 Wend. 250	1426
Wetzler v. State, 18 Ind. 35	1431 a
Whalen, Com. v. 131 Mass. 419	795
Whaley, Com. v. 6 Bush, 266	1714
People v. 6 Cow. 661	1574,
	1576
State v. 2 Harring. 538	590
Whalley, R. v. 7 C. & P. 245	795
Wharton, R. v. 12 Mod. 510	131, 329,
	1423
v. People, 8 Ill. Ap. 232	621
Whate, R. v. 1 Leach, 28	962
Whately, R. v. 4 M. & R. 431	1082 c
Wheat v. State, 6 Mo. 455	1500
Wheatland, R. v. 8 C. & P. 238	1317
Wheatley, R. v. 1 W. Bl. 273; 2	
Burr. 1125	134, 1119,
	1126, 1127
v. Thorne, 23 Miss. 62	31 b
Wheatman, R. v. 1 Doug. 331	1837
Wheeldon, R. v. 8 C. & P. 747	759,
	763, 771, 775, 787, 788
Wheeler, R. v. 7 C. & P. 170	997
State v. 25 Conn. 290	1530
State v. 19 Minn. 98	695, 696
State v. 3 Vt. 344	18, 899,
	1067
State v. 35 Vt. 261	731
v. State, 42 Md. 563	1465,
	1465 b, 1466
v. State, 34 Ohio St. 394	60
v. Whiting, 9 C. & P.	
262	439
Wheeling Bridge Co., Penn. v. 13	
How. 518	1426, 1477
Wheeloock, People v. 3 Park, C. R.	
9	1508, 1522 a
Whelan, Com. v. 134 Mass. 206	
	1512, 1512 c
v. McLachlan, 16 Up. Can.	
(C. P.) 102	1479
Welchell v. State, 23 Ind. 89	532
Whiley, R. v. 2 Leach, 983; R. &	
R. 90	660
R. v. 2 Mood. C. C. 186	1635,
	1714
Whisenhurst, State v. 2 Hawks,	
458	1251
Whitaker, Com. v. 131 Mass. 224	
	1757, 1765
v. State, 50 Wis. 518	560
Whitby, State v. 15 Kans. 402	774,
	818
Whitecomb, Com. v. 107 Mass. 486	1153
State v. 52 Iowa, 85	
	1695 a, 1705, 1726
Territory v. 1 Mont.	
359	1744
v. Gilman, 35 Vt. 297	
	1431 a, 1431 c
White's Case, Leach, 216	816
White, Com. v. 11 Cush. 483	928
Com. v. 15 Gray, 407	1526
Com. v. 110 Mass. 407	182,
	603, 606
Com. v. 123 Mass. 430	279,
	287, 291, 293, 982 a, 990 a,
	994, 1387
Com. 8 Pick. 453	1257
People v. 34 Cal. 183	266
R. v. 2 C. & K. 404; 1 Den.	
208; 2 Cox C. C. 210	657,
	669
R. v. 3 C. & K. 363	863, 924
R. v. 8 C. & P. 742	1014, 1046
R. v. 9 C. & P. 344	896
R. v. 1 Camp. 369	1614
R. v. 1 F. & F. 665	983, 984
R. v. 2 F. & F. 554	670
R. v. L. R. 1 C. C. 311; 12	
Cox C. C. 83	1567
R. v. M. & M. 271	1267, 1272
R. v. R. & R. 99	214
R. v. 1 Burr. 333	1411, 1412
State v. 41 Iowa, 316	641
State v. 45 Iowa, 325	176, 641
State v. 6 Ired. 418	1660
State v. 7 Ired. 180	1644 a,
	1647, 1650
State v. 4 Jones (N. C.),	
349	783, 808
State v. 14 Kans. 538	50, 52
State v. 31 Kans. 342	1506
State v. 30 La. An. Pt. II.	
364	380
State v. 35 Mo. 500	568
State v. 2 Tyler, 352	956
v. Com., 4 Binn. 418	266, 660,
	699
v. Com., 6 Binn. 179	26, 393,
	530, 543
v. Com., 9 Bush, 178	520
v. Crisp, 10 Exch. 318	1477
v. Maxey, 64 Mo. 552	485
v. People, 81 Ill. 333	211,
	211 a, 241, 242
v. R. 13 Cox C. C. 318	1348
v. State, 49 Ala. 344	759
v. State, 51 Ga. 286	769, 771
v. State, 1 Sm. & M. 149	1267,
	1276
v. State, 11 Tex. 769	964
v. State, 16 Tex. 206	393
v. State, 11 Tex. Ap. 476	
	1499, 1514
Whiteford v. Com., 6 Rand (Va.),	
721	377, 380, 381, 388
Whitehead, Com. v. 2 Bost. Law	
Rep. 148	179, 1771
	799

TABLE OF CASES.

SECTION	SECTION
Whitehead, R. v. 3 C. & K. 202	362
R. v. 1 D. & R. (N. P.) 61	1400
v. Smithers, L. R. 2 C. P. D. 553	292 a
Whitehouse, R. v. 3 Cox C. C. 86	1300
R. v. 6 Cox C. C. 38	1347, 1348, 1398, 1403
Whitehurst v. State, 43 Ind. 473	31
Whiteman, R. v. Dears.	353
Whiteside v. People, Breeze, 3	1546
Whitesides, State v. 1 Swan,	88
v. State, 11 Lea, 474	177
Whitfield, State v. 8 Ired.	315
Whithorne, R. v. 3 C. & P. 394	152, 444
Whiting v. State, 14 Conn.	487
Whitingham, State v. 7 Vt.	390
Whitler, Com. v. 2 Brews.	388
Whitley, R. v. 1 Lew. C. C. 123	182
Whitlock v. Walton, 2 Murph.	23
	1691
Whitman, Com. v. 118 Mass.	458
1080, 1082 d	
Com. v. 121 Mass.	361
	888, 938
Whitmarsh, Com. v. 4 Pick.	233
Whitnash, R. v. 7 B. & C.	596
Whitney, R. v. 1 Mood. C. C. 3	1431 b
	1082 d
v. State, 15 Vt.	298
v. State, 10 Ind.	404
v. State, 35 Ind.	503
v. State, 10 Tex. Ap.	377
	1465 a
v. Turner, 1 Scam.	253
Whittaker, R. v. 1 Den. C. C.	310
	217
v. State, 50 Wis.	518
	562 a
Whittemore, State v. 50 N. H.	245
266, 1267, 1272, 1275, 1280	
Whittier, State v. 21 Me.	341
U. S. v. 5 Dill.	394; 18
Alb. L. J.	110; 6 Re-
porter,	260
	149, 1831
Whittingham, R. v. 9 C. & P.	234
	1082 b
R. v. 2 Leach,	912
Whitton v. State, 37 Miss.	379
	84, 1503, 1504
Whizenant v. State,	71 Ala.
383	928
Whybrow, R. v. 8 Cox C. C.	438
Whyte, State v. 2 Nott & McC.	174
	914, 926
Wickersham v. People,	1 Scam.
129	1571
Wickey, State v. 54 Ind.	438
	1498 a, 1514
Wickham, R. v. 10 Ad. & El.	34
	1186
	800

TABLE OF CASES.

SECTION	SECTION
Wickham, U. S. v. 1 Wash. C. C.	
316	630 a
Wicks, Com. v. 2 Va. Cas.	387
R. v. E. & R. 149	393
v. State, 44 Ala.	398
205	
Widner v. State,	25 Ind.
234	935
Wieners, State v. 66 Mo.	13
377, 380	
Wier's App., 74 Penn. St.	230
	1413, 1418, 1441
Wier, R. v. 1 B. & C.	261
	444
Wigg's Case, 1 Leach,	378
	458
Wigg, R. v. 2 Id. Raym.	1163; 2
Salk,	460
	26, 1412
Wiggin, State v. 20 N. H.	449
	1504
Wiggins v. Armstrong,	2 Johns.
Ch. 144	1241
Wilber, People v. 4 Park. C. R.	19
	1837
Wilbourne, State v. 87 N. C.	529
	1166
Wilburn v. State,	41 Tex.
237	820
Wilckens v. Willett,	4 Abb. App.
596	1667, 1669
Wilcox, R. v. R. & R.	50
	739
State v. 42 Conn.	364
	1530
State v. 42 Me.	9
	1478
State v. 3 Yerg.	278
	1070
U. S. v. 4 Blatch.	385
	682
U. S. v. 4 Blatch.	393
	1289, 1331
v. State, 7 Blackf.	456
	1467
Wilcoxon v. State,	60 Ga.
184	693
Wild's Case, 2 Lew.	214
	506
Wild, R. v. 1 Mood. C. C.	452
	68, 74
Wilde, Com. v. 5 Gray,	83
	971
Wiles v. State,	33 Ind.
206	1500 a
Wiley, People v. 3 Hill (N. Y.),	
194	862, 881, 921, 951, 952,
	990 a, 990 b, 991, 1002
R. v. 2 Den.	37; 1 Eng. L.
& Eq.	567
	990
v. State,	52 Ind.
516	1557
Wilford, R. v. R. & R.	517
	800, 940
Wilgus, Com. v. 4 Pick.	177
	1162, 1186
Wilke, ex parte,	34 Tex.
155	864, 867
Wilkes, R. v. 4 Burr.	2527
	1606
R. v. 2 Stark. Slan.	141
	1605
Wilkins, R. v. 9 Cox C. C.	20
	610
R. v. 2 East P. C.	873
	888
R. v. 1 Leach,	522; 2
	945
State v. 17 Vt.	151
	741
v. Day,	49 L. T. (N. S.)
	399
	1474
Wilkinson, Com. v. 16 Pick.	175
	1473, 1474 a, 1476
R. v. R. & R.	476
	148,
	921, 923, 936
v. State,	59 Ind.
416	1431 c
Wilks, R. v. 2 East P. C.	957
	660
Willard, Com. v. 22 Pick.	476
	23 a,
	177, 179, 1529
Willard, Com. v. 9 Weekly Notes,	
524	1627
Willcox, R. v. 1 Sim. (N. S.)	301
	91
Willet v. Com., 13 Bush,	230
	68
Wiley v. People,	2 Park. C. R.
19	53, 1250
v. State,	46 Ind.
363	325
v. State,	52 Ind.
246	597
William Gray, The,	1 Paine,
16	95
William's Case,	cited in Kel.
131	317
Wh. St. Tr.	651
	254
Williams, Com. v. 2 Ashm.	69
	381
Com. v. 2 Cush.	582
	809,
	811, 813, 817, 820
Com. v. 6 Gray,	1
	1530 a
Com. v. 7 Gray,	337
	940
Com. v. 110 Mass.	401
	1070
People v. 32 Cal.	280
	488,
	489
People v. 35 Cal.	671
	864,
	865, 867
People v. 43 Cal.	344
	51,
	52, 54
People v. 59 Cal.	397
	579,
	580
People v. 4 Hill (N. Y.),	
9	1187, 1190
People v. 24 Mich.	156
	291, 930, 944
R. v. 9 B. & C.	549; 4
M. & Ry.	471
	1106
R. v. 2 Burr.	1317
	1572
R. v. 1 C. & K.	195
	149, 917
E. v. 1 C. & K.	589;
Den. C. C.	39
	173, 178,
	186, 207, 226
R. v. 2 C. & K.	51
	728
R. v. C. & M.	259
	223
R. v. 6 C. & P.	390
	964, 974
R. v. 7 C. & P.	338
	1018,
	1030, 1064 a, 1197
R. v. 8 C. & P.	286
	150,
	561, 563, 576
R. v. 8 C. & P.	434
	725
R. v. 2 Camp.	506
	1774
R. v. 2 Camp.	646
	1663
R. v. 1 Cox C. C.	16
	1666 a
R. v. 9 Cox C. C.	338
	1082 c
R. v. 11 Cox C. C.	328
	1193
R. v. 2 Den. C. C.	61; 1
T. & M.	382; 4 Cox
C. C.	256; 2 Eng. L.
	Eq. 533
	728
R. v. 1 Mood. C. C.	107
	925
R. v. 1 Mood. C. C.	387
	405, 487, 498
R. v. R. & M.	387
	421
VOL. II.—51	

SECTION	SECTION
Williams, R. v. 1 Salk.	384; 10
Mod. 63	76, 1422, 1449,
	1455, 1504
R. v. 2 Stark. Slan.	141
	1605
State v. 35 Ark.	430
	1505
State v. 3 Foster (N. H.)	
	321
	644
State v. 2 Harring.	532
	1560
State v. 3 Hill (S. C.)	
91	1503
State v. 10 Humph.	101
	931
State v. 8 Iowa,	534
	721, 751
State v. 20 Iowa,	98
	1713
State v. 9 Ired.	140
	901
State v. 12 Ired.	172
	25
State v. 7 Jones (N. C.)	
446	525
State v. 32 La. An.	335, 573
State v. 34 La. An.	87
	87, 579
State v. 25 Me.	561
	1833, 1835
State v. 30 Me.	484
	1827
State v. 19 Mo.	389
	908
State v. 35 Mo.	229
	291
	930, 963, 964
State v. 65 N. C.	398
	79
State v. 75 N. C.	134
	636
State v. 90 N. C.	724
	833
State v. 2 Rich. (S. Car.)	418
	30, 715
State v. 2 Strobb.	229
	947
State v. 2 Tenn.	108
	19, 1121, 1445
State v. 1 Vroom (30 N. J. L.)	1449, 1451,
	1457, 1459, 1508
State v. 27 Vt.	755
	632
U. S. v. 2 Cr. C. C.	439
	501
U. S. v. 14 Fed. Rep.	
550	720
U. Com., 34 Penn. St.	
178	1348
U. Com., 91 Penn. St.	
493	1319, 1322
v. East India Com., 3	
East, 192	16, 1441
v. Godkin, 5 Daly,	499
	1595
v. Groucott, 4 B. & S.	
149	464
v. Hutchinson, 3 Comst.	
312	359
v. People, 24 N. Y.	405
	953
v. People, 39 N. Y.	459
	886
v. State, 44 Ala. 24	1686,
	1702, 1709
v. State, 44 Ala. 41	484
	801

TABLE OF CASES.

SECTION		SECTION
Williams v. State, 44 Ala. 396	883	Williamson v. People, 19 Hun, 34
v. State, 54 Ala. 131	1699,	1202
v. State, 35 Ark. 430	1700	v. The Betsy, Bee, 67
1500, 1507, 1578		1905
v. State, 41 Ark. 173	238	Willis, <i>in re</i> , 38 Ala. 429
v. State, 51 Ga. 535	739	R. v. 12 Cox C. C. 164
v. State, 52 Ga. 580	769	R. v. Jebb, 48, n.
v. State, 55 Ga. 391	241,	State v. 7 Jones (N. C.),
1406		190 768, 777
v. State, 61 Ga. 417	1557	State v. 66 Mo. 131
v. State, 69 Ga. 11	221	30
v. State, 3 Heisk. 396	455,	v. People, 32 N. Y. 715
479		35
v. State, 3 Heisk. 376	455,	v. People, 5 Parker C. R.
485, 489, 493		621 40
v. State, 54 Ill. 422	220	v. Warren, 1 Hilton, 591 1432,
v. State, 2 Ind. 439	1752	1606
v. State, 47 Ind. 568	644	Willke, <i>ex parte</i> , 34 Tex. 155
v. State, 48 Ind. 306	1519	867
v. State, 49 Ind. 367	885	Willmer, R. v. 15 Q. B. 625
v. State, 9 Mo. 268	1542	315
v. State, 14 Ohio, 222	69,	Willoughby, <i>ex parte</i> , 14 Nev. 451
184, 551, 554		226
v. State, 2 Rich. L. 418	30	R. v. 1 East P. C., 288
v. State, 12 Sm. & M.	58	v. State, 69 Ind. 296
223		1505
v. State, 2 Sneed, 160	1574	Wills, State v. 2 Hill (S. C.), 687
v. State, 3 Sneed, 313	1556	266
v. State, 43 Tex. 382	645	v. People, 3 Parker (C. R.)
v. State, 2 Tex. Ap. 271	157, 163	473 995
v. State, 10 Tex. Ap. 8	846	v. State, 73 Ala. 363 485, 488
v. State, 12 Tex. Ap.	240	v. State, 3 Heisk. 141
851		260
v. State, 13 Tex. Ap. 723	1666	Willshire, R. v. 6 Q. B. D. 366
v. State, 14 Tex. Ap. 102	486 a, 488	1686,
v. State, 15 Tex. Ap. 617	304	1706
v. Stott, 3 Tyrw. 688; 1 Cr. & M. 675 1015, 1018		Willson, State v. 28 Minn. 52
v. Warsaw, 60 Ind. 457	1465 b	669
		Wilmott, R. v. 3 Cox C. C. 281
Williamson, Com. v. 2 Va. Cas. 211	237	135
R. v. 3 C. & P. 635	362,	Wilmington, Com. v. 105 Mass.
364		599 93
R. v. 1 Cox C. C. 97	163,	Wilner, State v. 40 Wis. 304
164		63
R. v. 11 Cox C. 328	1157, 1193	Wilson, Com. v. 1 Gray, 337
R. v. 3 C. & P. 635	957, 974	39
State v. 1 Honst. 155	915,	Com. v. 2 Gray, 70 728 a, 731
U. S. v. 3 Am. L. R.	729	ex parte, 6 Cranch, 52 268
729	268	People v. 64 Ill. 195 88, 1649
v. Com., 32 Grat. 928	47,	R. r. 3 Ad. & El. 817; 5 N. & M. 164 1103, 1113
389		R. v. 1 C. & K. 527 718
		R. v. 2 C. & K. 527; 2 Cox 426; 1 Den. C. C. 284 671
		R. v. 8 C. & P. 111 964, 966, 971
		R. v. 9 C. & P. 27 1027
		R. v. 37 Eng. L. & Eq. 605; 7 Cox C. C. 190; D. & B. 127 592
		R. v. 3 N. & M. 753; 1 Ad. & El. 627 1113
		R. v. R. & R. 115 790, 799, 802
		R. v. 8 T. R. 357 1085, 1086, 1100, 1104, 1107
		State v. 30 Conn. 500 186,
		192, 199
		State v. 38 Conn. 126 399, 461
		State v. Coxe, 439 758, 759,

TABLE OF CASES.

SECTION		SECTION
Wilson, State v. 1 Hayw.	242	783, 785, 790
v. 7 Ind. 516		644
State v. 22 Iowa, 364		1720
State v. 42 Me. 9	762, 764,	923, 1473, 1477
State v. 2 Mill's Rep.	Const. Ct. 135	878, 1116,
		1130
State v. 28 Minn. 52		669
State v. 67 N. C. 456		857
State v. 47 N. H. 101		793
State v. 5 R. I. 291		1520
U. S. v. 1 Bald. C. C. 78	221,	1823
v. Black Bird, etc., Co., 2		
Pet. 248		1426
v. Com., 12 B. Monr. 2	1449,	1454
v. Com., 14 Bush, 159		1510
v. Com., 96 Penn. St. 56		1345, 1350
v. Com., 10 S. & R. 373	24,	1571
v. Commiss., 70 Ill. 46		671
v. Conlin, 3 Bradw. 517		1467 a
v. Forbes, 2 Dev. 30		1426
v. Nations, 5 Yerg. 211		1246
v. People, 24 Mich. 410		641
v. People, 39 N. Y. 459		967
v. People, 64 Ill. 542		30
v. State, 52 Ala. 299	1836,	
	1838, 1838 b,	
v. State, 61 Ala. 161	1671	
v. State, 73 Ala. 618	1757,	1762, 1767
v. State, 35 Ark. 414	1512 c	
v. State, 24 Conn. 57		793
v. State, 58 Ga. 328		1758
v. State, 67 Ga. 658		1490
v. State, 3 Heisk. 278		1554
v. State, 16 Ind. 392		568
v. State, 2 Ohio St. 319	185,	592, 596
v. State, 18 Ohio, 145		640
v. State, 34 Ohio St. 199		815
v. State, 1 Porter, 118		878,
		879, 880, 951, 965
v. State, 6 Strobb. 53		1551
v. State, 5 Tex. 21		1466
v. State, 45 Tex. 76		915
v. State, 4 Tex. Ap. 637		196, 641
v. State, 12 Tex. Ap. 481		983
Wiltberger, U. S. v. 3 Wash. C. 515	307, 455, 484,	488, 494
Wiltberger, U. S. v. 5 Wheat.	97 28,	
	254, 282, 1784	
Wilts, R. v. Cas. Temp. Holt	339	92
R. v. 6 Mod. 307		93
Winchester, U. S. v. 2 McLean,	135	
		1265
Wincroft, State v. 76 N. C. 38		940
Windall, State v. 60 Ind. 300		1848 b
Windsor, <i>ex parte</i> , 10 Cox C. C.	118; 6 B. & S. 522	653,
		667
State v. 5 Harring. 512	40,	
		46
v. Com., 4 Leigh, 680	1466,	
		1522
v. McVeigh, 93 U. S. 274		
		1783
Winehart v. State, 6 Ind. 30		84
Wing, Com. v. 9 Pick, 1 18, 167,	1067	
Wingard v. State, 13 Ga. 396		1465 b
Wings, State v. 89 Ind. 204		1009
State v. 66 Mo. 181		392
Winkler, People v. 9 Cal. 234		953
Winkworth, R. v. 4 C. & P. 444		851
Winn, U. S. v. 2 Curtis C. C. 194		
		1871
v. State, 11 Tex. Ap. 304		884
Winnall, R. v. 5 Cox C. C. 326	1013,	
		1018, 1030
Winnemore, Com. v. 1 Brews.	356	61
Winslow, People v. 39 Mich. 505		
		1144, 1184
Winston, Com. v. 4 Leigh, 680		1522
Winter v. State, 30 Ala. 22	94 a,	1504
Winterbottom, R. v. 2 C. & K. 37;		
1 Den. C. C. 41		695
Winters, People v. 29 Cal. 658	813,	
		1520
People v. 2 Parker C. R.		
10		633
Winthrop, State v. 43 Iowa, 519	309,	
		446
Wirt v. State, 9 Mo. 663		884
Wisdom, State v. 8 Porter, 511		926
Wise, Com. v. 110 Mass. 181		1450
v. State, 41 Tex. 139		1061
Wish, State v. 15 Neb. 448		30
Wisner, Com. v. 8 Phila. 612		1097,
		1103
Witchell, R. v. 2 East P. C. 830		1181
Witham, State v. 72 Me. 631		1733
Wither's Case, 1 East P. C. 233		481
Witherow, State v. 3 Murph. 153		
		1251, 1290, 1296
Witt, R. v. 1 Mood. C. C. 248		
		799,
		802
v. State, 6 Cold. 5 392, 517,	519	
v. State, 9 Mo. 671	883, 899,	
		915
Wixon v. People 5 Park. 119		207
Wolcott v. Mellick, 3 Stockt. 309		1424
Wolf, Com. v. 3 S. & R. 48		23 a

TABLE OF CASES.

SECTION		SECTION	
Wolf, State v. 46 Mo. 584	1512	Wood v. State, 48 Ga. 192	1757, 1758,
v. Com., 30 Grat. 833	88		1760
v. State, 41 Ala. 412	186, 199, 923, 925	v. State, 11 Tex. Ap. 318	1556
v. State, 19 Ohio St. 248	418	v. State, 12 Tex. Ap. 174	572
	426, 428, 444	Woodard, State v. 23 Vt. 92	1474 a
v. State, 14 Tex. Ap. 210	883, 884	v. State, 9 Tex. Ap. 412	846
Wolfenberger v. State, 20 Ind. 242	835	Woodburn, R. v. 16 St. Tr. 54	119
Wolff, State v. 34 La. An. 1153	1009	Woodbury v. State, 69 Ala. 242	1186
v. State, 18 Ohio St. 298	402	Wooden v. Shotwell, 3 Zab. 465	1491
Wolfgang v. State, 53 Ind. 343	902	Wooderd, State v. 20 Iowa, 541	677, 717
Wolfstein v. People, 6 Hun. 121	963	Woodhead, R. v. 1 M. & B. 549	1082 a
Wollaston, R. v. 12 Cox C. C. 180	141, 577, 603, 636	Woodhurst, R. v. 12 Cox C. C. 443	150, 557
Wollez, R. v. 8 Cox C. C. 337	981 a	Woodley, State v. 25 Ga. 236	950
Wollingsworth v. State, 2 Snead,	313	Woodman, R. v. 14 Cox C. C. 179	1173
Wolstenholme, R. v. 11 Cox C. C.	310	Woodrow, R. v. 15 M. & W. 494	88, 180
Wolverton, v. Com., 75 Va. 909	955	Woods, Com. v. 7 Bost. Law Rep. 58	1379
v. State, 16 Ohio, 173		State v. 31 La. An. 267	811
Wong Ah Teat, 63 Cal. 544	486	State v. 68 Me. 418	30
Wonson v. Sayward, 13 Pick. 402	863, 1596	v. Com., 1 Ben. Mon. 344	1498 a
Wood, Com. v. 7 Bost. Law Rep.	1379, 1392, 1393	v. People, 55 N. Y. 515	568
Com. v. 4 Gray, 11	1502, 1517, 1521, 1526, 1748	v. State, 36 Ark. 36	1506
Com. v. 11 Gray, 85	142, 185, 592, 593, 596	Woodside v. Ridgeway, 126 Mass. 292	1087
Com. v. 97 Mass. 226	1450,	Woodsides v. State, 2 How. (Miss.)	656
	1455, 1457, 1509		117, 381
Com. v. 111 Mass. 408	1072,	Woodson, State v. 5 Humph. 55	1128
	1082 d	Woodward, Com. v. 102 Mass. 155	489, 534
People v. 53 N. Y. 511	30	Com. v. Thacher's C. C. 63	237
People v. 2 Parker C. R. 22	956	People v. 45 Cal. 293	211, 211 a, 214
R. v. 14 Cox C. C. 46	556	People v. 2 N. Y. Cr. Rep. 32; 31 Hun. 57	899
R. v. 1 F. & F. 497	987	R. v. 8 C. & P. 561	77
R. v. 1 Mood. C. C. 278; 4 C. & P. 331	533	R. v. 2 East P. C. 653	1082 d
R. v. 1 Sess. Cas. 217	1118	R. v. L. & C. 122; 9	9
State v. 1 Bay, 351	619	Cox, 95	985, 990, 992
State v. 17 Iowa, 18	1308	R. v. 11 Mod. 137	852
State v. 46 Iowa, 116	885, 951	State v. J. Houst. 455	461
State v. 53 N. H. 484	525, 592	v. Squires, 39 Iowa, 435	24
State v. 53 Vt. 560	155 a, 160	v. State, 5 Tex. Ap. 296	1557
U. S. v. 1 Brunf. 456	1823	Woodworth v. State, 26 Ohio St. 196	649, 652
U. S. v. 2 Gall. 361	648, 652	Woolaver, State v. 77 Mo. 103	576
U. S. v. 14 Pet. 430	1319, 1321	Woolcock R. v. 5 C. & P. 516	1544
U. S. v. 3 Wash. C. C. 440	1823	Woldridge v. State, 13 Tex. Ap. 443	548
v. People, 92 Ill. 269	636		
v. People, 59 N. Y. 117	1277, 1278, 1304, 1316		
v. State, 50 Ala. 144	640, 644		
v. State, 34 Ark. 341	53		

TABLE OF CASES.

SECTION		SECTION	
Wooley, People v. 44 Cal. 494	837	Wright, Com. v. 3 Grant, 437	267
Woolf v. State, 34 La. An. 1153	1009	Com. v. Thack. C. C. 211	1481
Woolford R. v. 1 M. & Rob. 384	997, 998	People v. 9 Wend. 193	727
Woolley, R. v. 1 Den. C. C. 559; 4 Cox C. C. 193; T. & M. 280	1150, 1186, 1188	R. v. 3 B. & Ad. 681	1474
Woolmer, R. v. 1 Mood. C. C. 334	418, 427	R. v. 1 Burr. 543	25, 26
Woolsey v. State, 14 Tex. Ap. 57	1078	R. v. 9 C. & P. 564 n.; Car. Crim. Law, 278	887, 900
Woolstan, R. v. 2 Strange, 834	1605	R. v. 9 C. & P. 754	445
Woolverton, State v. 6 Blackf. 63	1283	R. v. D. & B. 431; 7	
Wooster v. State, 55 Ala. 217	1451, 1452	Cox C. C. 413	962 b
Wooten v. Meller, 7 Sm. & M. 380	279	R. v. 4 F. & F. 967	550, 557, 577
Wootton v. Dawkins, 2 C. B. (N. S.) 412	464, 507	State v. 41 Ark. 410	1556 a
Worcester, Com. v. 126 Mass. 256	1498 a, 1519	State v. 6 Jones (N. C.), 25	1411, 1456
v. Georgia, 6 Pet. 518	282 a	U. S. v. 16 Fed. Rep. 112	1847
Worcester Turnpike Co., Com. v. 3 Pick 327	91	v. Clements, 3 B. & A. 503	1656
Word v. Com., 3 Leigh, 743	72	v. Com., 33 Grat. 880	380
Worden, State v. 46 Conn. 349	598	v. Com., 77 Penn. St. 470	1556, 1557
World, The, R. v. 13 Cox C. C. 305	1594	v. Com., 75 Va. 914	319
World, Steamboat, v. King, 16 How. 469	352	v. Leonard, 11 C. B. (N. S.) 258	1149
v. State, 50 Md. 49	1444	v. Meek, 3 Iowa, 472	1854
Worley, R. v. 3 Cox C. C. 535	1276, 1277, 1284	v. People, 1 Brree, 66	1126
Worrall, R. v. 7 C. & P. 516	867	v. People, 61 Ill. 382	1061
U. S. v. 2 Dall. 297; Wh. St. Tr. 139, 189	254, 288, 1858	v. People, 101 Ill. 126	1506
U. S. v. 1 Dall. 388	1620	v. People, 38 Mich. 744	78
Worster v. Lake Co., 5 Post. 525	288	v. People, 4 Neb. 407	45, 61
Worth, State v. R. M. Charl. 5	1453	v. R. 14 Q. B. 148	1383
Wortham v. Com., 6 Rand. 675	1466	v. State, 42 Ark. 94	211 b
v. State, 70 Ga. 336	455 a	v. State, 5 Blackf. 358	1747
v. State, 59 Miss. 179	1463, 1465	v. State, 18 Ga. 383	513
Worthington v. State, 58 Md. 403	294, 930	v. State, 30 Ga. 325	899, 1070, 1072
Wortley, R. v. 1 Den. C. C. 162	867	v. State, 4 Humph. 194	557, 564
R. v. T. & M. 636; 2 Den. 334; 5 Cox C. C. 382	1030	v. State, 5 Yerg. 154	883, 987
Wray, ex parte, 30 Miss. 673	476	v. State, 9 Yerg. 342	641
State v. 72 N. C. 253	1506	v. State, 44 Tex. 645	406
Wreden, People v. 59 Cal. 392	61	v. U. S. 16 Fed. Rep. 112	1832, 1846
v. State, 48 Ind. 579	1503, 1510	Wrigley, Com. v. 6 Phila. 169	1371
v. State, 25 Grat. 989	241	R. v. 1 Lew. 127	519
v. Com., 26 Grat. 952	241, 242	Wroe v. People, 8 Md. 416	1426
v. State, 70 Ala. 1	1465, 1465 a	v. State, 20 Ohio St. 460	542
Wright's Case, 1 Lew. C. C. 135	672	Wroughton, R. v. 3 Bur. 1683	1556 a
Wright, Com. v. 1 Cush. 46	1595, 1614, 1657	v. Wyatt, Com. v. 6 Rand. 694	1465, 1465 a
R. v. 39 L. J. M. C. 83	198	R. v. 39 L. J. M. C. 83	198
R. v. 1 Salk. 380	1572	R. v. 1 Salk. 380	1572
State v. 2 Hayw. 56	1257, 1262, 1269	State v. 2 Hayw. 56	1257
v. State, 2 Swan (Tenn.), 394	557, 561	v. State, 2 Swan (Tenn.), 394	557, 561
Wycherly, R. v. 8 C. & P. 265	592	Wycherly, R. v. 8 C. & P. 265	592
	805		

TABLE OF CASES.

SECTION		SECTION	
Wyckoff, State v. 2 Vroom, 65	208,	Young, People v. 31 Cal. 563	1261
238, 245, 279, 280,		R. v. S. C. & P. 645	215, 371,
284, 287, 522		482, 483, 1768, 1773	
Wyman, Com. v. 8 Met. 247	1043,	R. v. 10 Cox C. C. 371	372
1051, 1061		R. v. 1 Den. 194	1828
Com. v. 12 Cush. 237	30	R. v. 2 East. 16	1858
Wynehamer v. People, 13 N. Y.		R. v. 38 L. T. (N. S.) 540;	
378	1630	14 Cox C. C. 114	561, 562,
Wyn gall, U. S. v. 5 Hill, 16	267		563
Wynn, R. v. 1 Den. C. C. 365; 2		R. v. 3 T. R. 104	1118, 1119,
C. & K. 859	896, 1827	1126, 1131, 1136, 1170	
Wynne, R. v. 2 East P. C. 684; 1		State v. 26 Iowa, 122	1664,
Leach, 413	903		1666 c
Y.		State v. 76 N. C. 258	1161,
Yarberry, Terr. v. 2 New Mex. 391	155, 543		1189,
Yarborough, <i>ex parte</i> , 110 U. S.		State v. 46 N. H. 266	666, 669
651	1356 b, 1372,	State v. 47 N. H. 402	697
	1832, 1848 a	State v. 37 N. J. L. 184	1400
v. State, 41 Ala 405	983	v. Com., 12 Bush, 243	825,
State v. 77 N. C. 524	524		837, 841
Yarrell, State v. 12 Ired. 130	1474	v. State, 58 Ala. 358	1519 a
Yates, R. v. C. & M. 132	1282, 1319,	v. State, 11 Humph. 200	484
	1322	v. State, 6 Ill. Ap. 434	640
R. v. 6 Cox C. C. 441	1348	v. State, 10 Lea, 185	1431
R. v. 12 Cox C. C. 233	1299,	v. State, 44 Tex. 98	640
	1303, 1595	v. State, 7 Tex. Ap. 75	644
v. Lansing, 9 Johns. 395	1571		
v. People, 32 N. Y. 509	455,	Young Men's Society, People v.	
	491, 649	65 Barb. 357	1431 b
v. State, 67 Ga. 770	977	Younger, R. v. 5 T. R. 450	1431 c
v. State, 10 Yerg. 549	938	State v. 1 Dev. 357	1249,
Yeaton, State v. 53 Me. 125	1556 a		1348
v. U. S., 5 Cranch, 281	30, 31	Yslas, People v. 27 Cal. 630	182, 603,
Ye Park, People v. 62 Cal. 204	486 a,		606, 645 d
	488	Yundt v. People, 65 Ill. 372	325, 390
Z.			
Zabriskie v. State, 43 N. J. L.			
640	1757, 1763		
Zallner v. State, 15 Tex. Ap. 3.	3812		
Zarresseller v. People, 17 Ill. 101			
	1514		
Zchocke v. People, 62 Ill. 127	965,		
	1063		
Zeibart, State v. 40 Iowa, 169	238, 444,		
	522, 648		
Zeiger, People v. 6 Parker C. R.			
355	88, 1505		
Zeitler, State v. 63 Ind. 441	1514		
Zellers, State v. 2 Halst. 220	493, 501,		
	502, 503		
Zenobio v. Axtell, 6 T. R. 162	1656		
Zephon, Com. v. MS. Phil. 1844	381		
Zink v. People, 77 N. Y. 414; 6			
Abb. New Cas. 413	914, 971, 1135		
State v. 70 N. C. 66	1546		
Young, Com. v. 15 Grat. 664	1512 b	Zook v. State, 47 Ind. 463	1466
Com. v. 33 Grat. 827	1499	Zug v. Com., 70 Penn. St. 138	1477
Com. v. 9 Gray, 5	1019, 1020,	Zumhoff v. State, 4 Greene (Iowa),	
	1022	526	1590

INDEX.

[THE FIGURES REFER TO THE SECTIONS.]

ABANDONMENT, when a defence to attempt, 1865.

ABANDONMENT OF DEPENDENTS, 1563 *et seq.* (see MISCONDUCT IN OFFICE).

ABATEMENT OF NUISANCE, 97, 1426, 1498 b.

ABDUCTION AND KIDNAPPING.

Indictment must conform to statutory conditions, 586.

woman in such case may be a witness, 587.

indictment must be in county of offence, 588.

original actors are all principals, 589.

kidnapping and "inveiglement" specifically indictable, 590.

ignorance no defence to indictment for, 58.

when with consent of girl abducted, 1756, 1765.

ABERRATION, homicide through, 317-18, 320.

ABETTOR, constituents of, 219.

ABORTION.

Producing an abortion is an offence at common law, 592.

woman a witness for the prosecution, 593.

consent no defence, 594.

otherwise as to necessity, 595.

non-pregnancy no defence to indictment for attempt, 596.

nor non-potency of agency, 182, 1831.

indictment must be special, 599.

evidence inferential, 598.

all concerned indictable, 599.

homicide incidental to, 316, 323, 390, 430.

conspiracy to commit, 1364.

ABSENCE, proof of, in bigamy, 1691.

ABUSING FEMALE CHILDREN (see RAPE, SEDUCTION).

"ACCELERATING DEATH" is homicide, 155 a.

ACCESSARIES, law of as to attempts, 198, 223.

venue in case of, 287.

ACCESSARYSHIP.

Statutory Changes.

Common law recently modified by statutes, 205.

INDEX.

ACCESSORYSHIP—(*continued*).

*Principals.*

Principal in first degree is actual perpetrator, 206.  
presence is not necessary when causal connection is immediate; *e.g.*, when agent is irresponsible, 207.  
accessory before the fact cannot be convicted as principal, 208.  
non-resident party may be liable for agent's acts, 209.  
wife not ordinarily co-principal with husband, 210.  
principals in the second degree are those present aiding and abetting, 211.  
mere presence does not involve complicity, 211 *a*.  
capacity to execute not always essential, 211 *b*.  
confederacy must be real, 211 *c*.  
and not mere sympathy, 211 *d*.  
if principal is irresponsible, indictment should not be for aiding and abetting, 212.  
confederacy with constructive presence may constitute principal, 213.  
but act must result from confederacy, 214.  
in duels all are principals, 215.  
persons abetting suicide are principals in murder, 216.  
persons executing parts of crime separately are principals, 217.  
persons outside keeping watch are principals, 218.  
an abettor must be near enough to give assistance, 219.  
persons confederating for wrongful purpose are chargeable with incidental felony, 220.  
distinction between two degrees only essential when punishment varies, 221.  
conviction of principal in the first degree not a condition precedent to trial, of principal in second degree, 222.  
in misdemeanors all are principals, 223.  
and so as to treason at common law, 224.

*Accessories before the Fact.*

Commanding and counselling constitute accessoryship before the fact, 225.  
several instigators may be combined, 225 *a*.  
must be causal connection, 226.  
silent acquiescence is not counselling, 227.  
countermanded advice does not implicate, 228.  
accessory not liable for collateral crime, 229.  
relative guilt of accessory and principal, 230.  
assistance must be rendered knowingly and really, 231.  
detectives not accessories, 231 *a*.  
may be accessory before the fact to manslaughter, 232.  
accessory before the fact need not be originator, 233.  
quantity of aid immaterial, 234.  
conditions of time immaterial, 235.  
grade of guilt not necessarily the same, 236.  
conviction of principal no longer a prerequisite, 237.  
indictment must particularize offence, 238.

INDEX.

ACCESSORYSHIP—(*continued*).

verdict must specify grade, 239  
jurisdiction of, 237.  
attempts, 240.

*Accessories after the Fact.*

An accessory after the fact is one who subsequently assists or comforts the felon, 241.  
knowledge of principal's guilt is essential, 242.  
wife is not liable as accessory, 243.  
conviction of principal *prima facie* evidence of guilt, 244.  
indictment must be specific, 245.

*Principal's Liability for Agent.*

Where the agent acts directly under principal's commands, principal liable, 246.  
so when agent is in line of principal's business, 247.  
non-resident principal intra-territorially liable, 248.

*Misprision.*

Misprision of felony is concealment of felony, 249.

ACCIDENT, how far a defence, 169.

ACCOMPlice (see ACCESSORY, DECOY).

ACQUIESCENCE does not constitute counselling (see VOLENTI NON FIT INJURIA), 227.

when a defence in rape, 558–60, 577.

when defence to an attempt, 189.

ACT, GUILTY, causation of (see CAUSAL CONNECTION).

responsibility for (see INSANITY).

ADMIRALTY JURISDICTION, limits of, 269–72.

ADMISSIONS, weight of in proving marriage, 1700.

ADULTERATIONS, when indictable at common law, 1120.

ignorance of, no defence, 88.

ADULTERER, guilty of larceny in stealing husband's goods, 917.

homicide of, 459.

ADULTRESS, guilty of larceny in stealing husband's goods, 917.

ADULTERY.

*Definition.*

Ecclesiastical law in this respect part of common law, 1717.

by Roman law adultery is illicit intercourse with married woman, 1718.

by ecclesiastical law it is a sexual violation of the marriage relation, 1719.

in the United States definition varies with local statutes, 1720.

when statute makes "adultery" alone indictable, it includes both sexes, 1721.

living in adultery implies continuous living, 1721 *a*.

*Defences.*

Divorce is a defence, 1722.

but not desertion, 1723.

nor want of consent in participant, 1724.

INDEX.

**ADULTERY**—(continued).

nor local or foreign custom, 1725.  
nor "honest belief" or ignorance, 1726.  
nor illusory marriage of defendant, 1727.

*Indictment.*

Allegation of marriage is essential, 1728.  
"commit adultery" is a sufficient description, 1729.  
defendants may be joined, 1730.  
scinter unnecessary, 1731.

*Evidence.*

Marriage must be proved as in bigamy, 1732.  
adultery to be inferentially proved, 1733.  
confessions admissible, 1734.  
paramour as a witness for defence, 1735.  
husband and wife not witnesses at common law against each other, 1736.

*Verdict.*

May be conviction of minor offence, 1737.  
one defendant only can be convicted, 1737 a.

*Attempts, Solicitations.*

Attempt to commit offence indictable, 1738.  
when solicitations indictable, 179.

**ADVICE**, when counselling, 228.

**AFFIDAVITS**, false, when perjury, 1269.  
forgery of, 682.

**AFFRAY**, when indictable, 1551.

"AFORETHOUGHT," meaning of, 303.

"AGAINST THE WILL," meaning of (see **RAPE, ROBBERY**).

**AGENT** (see **PRINCIPAL**).

When imputing guilt to principal, 247.  
larceny by, 960.  
embezzlement by, 1049, 1054.  
meaning of term, 1053 a.

**AGENTS.**

*Bailees, and others appropriating Goods received bond fide.*

Statute covers cases of trustees or agents fraudulently appropriating goods received *bond fide* for principal, 1049.

if case is larceny at common law, prosecution fails, 1050.

officer may be a *nomen generalissimum*, 1051.

trustee may include treasurer of bank, 1052.

fraud to be inferred from circumstances, 1053.

agents, 1053 a.

copartners and members of common society not agents, 1054.

"bailee" to be used in restricted sense, 1055.

person not capable of contracting may be bailee, 1056.

goods need not have been received from prosecutor, 1057.

conversion must be inconsistent with bailment, 1058.

INDEX.

**AGENTS**—(continued).

some act of conversion must be in jurisdiction, 1059.  
indictment must conform to statute, 1060.  
special conditions of particular statutes must be satisfied, 1061.  
at common law, indictment for larceny is not enough, 1062.  
evidence inferential, 1062 a.

**AGENTS' CRIMES**, when imputable to principal, 278-9, 280.  
when personally responsible, 94 a.

**AGGRAVATED ASSAULTS**, enumeration of, 640 a *et seq.*

**ALABAMA**, distinctive views as to statutory homicide, 377, note.

**ALABAMA CASE**, effects of arbitration as to, 1901-5.

**ALCOHOL**, homicide through negligent administering of, 347.

**ALIENABLE RIGHTS**, when to be waived, 148.

**ALIENS**, when indictable for treason, 1806.

when indictable in country of arrest, 281.

**ALIENS ABROAD**, how far responsible to us, 284.

**ALLEGIANC E**, meaning of, 1797.

local, when ground of prosecution, 282.

**ALLUREMENTS**, not attempts, 179.

**ALMS-HOUSE KEEPER**, may correct inmate, 695.

**ALTERATIONS OF DOCUMENT**, may be forgery, 676.

**ALTERNATIVE MALICE**, 111.

**AMBASSADORS**, privileges of, 282, 1899.

**AMENTIA**, effect of, 34.

**AMERICAN VESSELS**, jurisdiction over, 270 *et seq.*

**ANIMAL**, malicious mischief to, 1067, 1072, 1082 d.

**ANIMALS**, when the subject of larceny, 869.

dangerous, homicide through, 357.

**ANIMUS FURANDI** (see **LARCEN Y**).

**ANODYNES**, effect of, as a defence, 66.

**ANSWERS IN CHANCERY**, how proved, 1309.

**APARTMENT**, burglary in (see **BURGLARY**).

**APOTHECARY**, responsible for negligent homicide, 366-8.

**APPARENT ATTACK**, when a defence, 493, 606.

**APPARENT MEANS**, when indictable, 183.

**APPRENTICE**, may be corrected by master, 634.

misconduct to, 1563 *et seq.*

**ARDENT SPIRITS** (see **INTOXICATING LIQUORS**).

**ARMS, DANGEROUS**, when wearing indictable, 1553, 1557.

**ARMY**, laws governing, 294.

**ARREST**, homicide during, 402, 414, 429.

**ARREST, ILLEGAL**, may be resisted, 648.

**ARSON**.

*Burning*, what constitutes, 826.

*Intent*, must be malicious, 829.

to be inferred from facts, 831.

INDEX.

ARSON—(*continued*).

*Property burned*, 833.

includes house and contiguous warehouse, 833.

barn, 834.

but not deserted or unfinished dwelling, 835.

*Ownership*, 836.

*Indictment*, 839.

*Burning*, with intent to defraud insurers, 843, 1894.

*Attempts*, 844.

ARTISTIC CRITICISM, when indictable, 1640.

ASPORTATION (see LARCENY), 928, 930.

ASSAULT.

*An assault is an apparent violent attempt to do hurt to another*, 603.

there must be some movement towards physical violence, 604.

frustration no defence, 605.

apparent ability to hurt sufficient, 606.

conditional threat of force may be an assault, 607.

assault on a mass of people is assault on the individuals, 608.

intent not necessary, 608 a.

assault may be inferred from facts, 609.

administering poison may be an assault, 610.

violence provocative of a breach of the peace may be an assault, 611.

and so of injurious physical attempts on persons ignorant of act, 612.

wrongful abuses of authority may be assaults, 613.

apparent effect must be injurious, 614.

no defence that act was secret, 615.

all concerned are principals, 616.

any factual application of force is a battery, 617.

Defence.

Pendency of civil prosecution no defence, 618.

nor are words of provocation, 619.

otherwise as to misadventure and *casus*, 620.

attacks on property may be forcibly repelled, 621.

intruders may be expelled from depot or other grounds, 622.

passenger disobeying rules may be expelled from car, 623.

persons refusing to leave may be expelled from house, 624.

inn-keeper has this right as to visitors, 625.

and so has person controlling cemetery, 626.

agent may eject trespassers, 627.

prior assault a defence, 628.

defence of relative is in like manner justifiable, 629.

exercise of legal right is no sufficient provocation, 630.

peace and other officers may use force, 630 a.

parents have right of proper correction, 631.

and so have school-masters, 632.

husband at common law may coerce wife, 633.

INDEX.

ASSAULT—(*continued*).

so of master as to servant, and so as to officer of justice, 634.

alms and poor-house keepers may restrain inmate, 635.

assent a defence, 636.

*Indictment and Verdict.*

Enough to aver assault on designated party, 637.

all concerned are principals, 638.

when double blow is given both parties struck may be joined, 639.

battery may be discharged as surplusage, 640.

*Assaults with Felonious Intent.*

Classified by statute, 640 a.

intent to kill essential to indictments for assaults with intent to murder, 641.

defendant may be convicted of minor offence, but not in cases of merger,  
641 a.

there must be apparent ability to consummate attempt, 642.

touching not necessary to offence, 643.

in indictment particularity of specification is not required, 644.

right of self-defence same as in homicide, 645.

indictment must conform to statute, 645 a.

offence a misdemeanor and divisible, 645 b.

all parties indictable, 645 c.

*Assaults with Dangerous Weapons.*

Made indictable by statute, 645 d.

*Assaults on Officers when in Execution of Duty.*

Illegal official action may be forcibly resisted, 646.

oppressed party in such case not confined to a resort to law, 647.

to justify arrest process must be legal, and must be notified, 648.

ignorance a defence to indictment for resistance, 649.

indictment need not set forth process in detail, 650.

municipal and police officers under same sanctions, 651.

and so of officers charged with process, 652.

officers are entitled to call in aid, 652 a.

*Assault in other Relations.*

when a defence to homicide, 456, 472.

conspiracy to commit, 1354.

with intent to ravish, 576.

on foreign ministers, 1899.

on crew, 1871 *et seq.*

ASSEMBLY, unlawful, when indictable, 1535.

ASSENT, a defence to assault, 636.

when a defence in other cases, 141 *et seq.* (see CONSENT).

ASSIGNEE, larceny by (see LARCENY), 971.

ASSIGNMENTS, fraudulent, 1240.

ASSISTANCE, effect of, in committing crime, 211.

responsibility for (see ACCESSORY), 231.

INDEX.

ATHLETIC SPORTS.

Prize-fighters liable for manslaughter in cases of non-malicious killing, 371.  
and so of participants in unlawful sports, 372.  
but not so in lawful athletic sports, 373.  
in practical jokes responsibility attaches, 373 *a.*

ATTEMPTS.

*Offence Generally.*

An attempt is an unfinished crime indictable at common law, 173.  
mere words do not constitute an attempt, 174.  
not an offence to attempt to commit a non-indictable offence; attempts to  
commit suicide when indictable, 175.  
attempt at negligence not indictable; intent is necessary to offence, 176.  
and so of attempts at police offences, 177.  
attempt must have causal relation with act, 178.  
solicitations not indictable, 179.  
mere preparations not indictable as attempts, 180.  
the attempt must have gone so far that the crime would have been com-  
pleted but for extraneous intervention, 181.  
means must be apparently suitable, 182.  
if means are apparently and absolutely unfit, there can be no attempt,  
183.  
must be apparent physical capacity, 184.  
need not be capability of success, 185.  
must be probable object within reach, 186.  
abandoned attempts not indictable, 187.  
where attempt is resisted, it may be independently tried, though consum-  
mation is yielded to, 188.  
acquiescence through fraud or incapacity no bar, 189.

*Indictment.*

In indictments for attempts the laxity permitted in assaults will not be  
maintained, 190.  
nor do statutory rulings affect question at common law, 191.  
indictment must aver circumstances of attempt, 192.  
cumulation of facts not duplicity, 193.

*Jurisdiction.*

Attempts cognizable in place of consummation, 195.

*Evidence.*

Intent to be inferred from facts, 196.  
adaptation makes a *prima facie* case, 197.

*Principals and Accessories.*

All confederates are principals, 198.

*Verdict.*

At common law no conviction of attempt on indictment for consummated  
crime, 199.

*Punishment.*

Punishment should be less than that of consummated crime, 200.

INDEX.

ATTEMPTS AT ARSON, 844.

ATTEMPTS AT BURGLARY (see BURGLARY).

ATTEMPTS AT CHEATS BY FALSE PRETENCES.

In false pretences by statute, conviction may be had of attempt under  
indictment for complete offence, 1229.  
conviction may be had irrespective of prosecutor's prudence, 1230.  
may be attempt when only credit is obtained, 1231.  
question of attempt is for jury, 1232.  
general character of instrument must be designated, 1233.  
means of attempt must be averred, 1234.

ATTEMPTS AT FELONY, how far qualifying statutory homicide, 387.

ATTEMPTS AT MURDER, see 178 *et seq.*, 641 *et seq.* (see ATTEMPTS,  
ASSAULTS).

ATTEMPTS AT PERJURY, 1328.

ATTEMPTS TO SUBORN. *Dissuading Witness from appearing.*

Attempts at subornation are indictable, 1332.  
and so of dissuading witness from attending, 1333.

ATTORNEY, indictable for embezzlement, 1049.

AUCTION, public conspiracy to affect, 1370.

AUTREFOIS ACQUIT, in case of liquor-selling, 1508.

"BAILEE."

Meaning of term, 1055.  
larceny by (see LARCENY), 963.

BAILEES, embezzlement by (see EMBEZZLEMENT).

BAILMENT, effect of, in larceny, 968.

BAKER'S TALLY, may be forged, 681.

BANK, charter of, how to be proved, 716.  
how to be pleaded, 741.

BANK NOTES, false, when public cheats, 1129.  
when the subjects of forgery, 682, 698.

BANKRUPT, perjury by (see PERJURY).

BANKRUPT ACTS, conspiracy to defraud indictable, 1351.

BANKRUPTCY, fraudulent, 1239.

BARBAROUS COUNTRIES, consular jurisdiction in, 273.

BARN, may be subject of arson, 834.

meaning of term, 797 *a.*

BARE CHARGE, nature of in larceny, 956-958.

BARRATOR, COMMON, when indictable, 1444.

BASTARD CHILD, concealing death of, 600.

BASTARDY (see FORNICATION).

BATTERY (see ASSAULT).

BATTLE, homicide in, responsibility for, 310.

BAWDY-HOUSES (see DISORDERLY HOUSES), 1449.

BEASTS, larceny of (see LARCENY).

malicious mischief to, 1067, 1082 *d.*

INDEX.

BEER, when an intoxicating drink, 1505  
BEES, when subjects of larceny, 869, 871.  
BEGGING LETTERS, may be a false pretence, 1155.  
BELIEF, HONEST, when a defence to homicide, 491.  
when a defence in other cases, 84-88  
BELLIGERENT INSURGENTS, not indictable for treason, 1799.  
BELLIGERENTS, at sea, not pirates, 1866.

how far subjects of penal discipline, 288.  
when excusable by orders, 95, 283, 310.

BELLIGERENT SEIZURE, not larceny, 890.

BESTIALITY (see SODOMY).

BETTING, when indictable, 1467 a, 1848 b.

BETTING, ignorance no defence to indictment for, 88.  
conspiracy, to cheat by, 1371.

BEYOND SEAS, meaning of, 1691.

BIGAMY AND POLYGAMY.

*Effect of Place of First Marriage.*

Ordinarily marriage valid by *lex loci contractus* is valid everywhere, 1683.  
but not so as to converse, 1684.

*Effect of Time and Place of Second Marriage.*

Offence indictable in place of offence, 1685.

*Third Marriage during Second Bigamous Marriage.*

Third marriage after second void marriage may not be bigamy, 1686.

*Accessaries.*

If a misdemeanor, all concerned are principals, 1687.  
hence person marrying bigamous person is principal, 1688.

*When Second Marriage was Void or Voidable.*

No defence that bigamous marriage was independently voidable, 1689.

*Where First Marriage was Voidable.*

No defence that first marriage was voidable, 1690.

*Parties Beyond Seas or Absent.*

Exception of beyond seas does not apply to cases where offender knows  
of continuous life of absentee, 1691.

exception as to other absence only applies to cases where there is no  
knowledge of such life, 1692.

exception does not apply to party deserting, 1693.

*Consummation not necessary, 1694.*

*Intermediate Divorce.*

Valid divorce from first marriage is a defence, 1695.  
honest belief in a divorce no defence, 1695 a.

*Evidence.*

*Proof of Marriage.*

In bigamy prior marriage has to be proved beyond reasonable doubt, 1996.  
consensual marriage valid, 1697.

*lex fori* determines as to requisites, 1698.

internationally marriage may be proved by parol, 1699.

INDEX.

BIGAMY AND POLYGAMY—(continued).

where prior consensual marriage is set up, it should not be rested on a  
mere confession, 1700.

of foreign marriages registry is best evidence, 1701.

prior invalid marriages may be ratified, 1702.

*Proof of Death or Divorce of First Husband or Wife, 1703.*

Death, if occurring within seven years, must be substantively proved,  
1704.

divorce to be proved by record, 1704 a.

honest belief in death within that time no defence, 1705.

presumption of continuance of life depends on circumstances, 1706.

after seven years, burden is on prosecution to prove knowledge by defen-  
dant, 1708.

*Witnesses.*

When first marriage is proved, second wife is a witness, 1709.  
other witnesses admissible to prove marriage, 1710.

*Indictment.*

Second marriage must appear to be unlawful, 1711.

variances as to second marriage are fatal, 1712.

exceptions in statute need not be negatived, 1713.

first marriage must be averred, 1714.

*Religious Privilege no Defence.*

No defence that polygamy was a religious privilege, 1715.

BILL OF PARTICULARS, when granted, 1648, 1528.

BILLIARD ROOMS, when nuisances, 1463, 1465 a.  
when gaming, 1463.

BILLS OF EXCHANGE, subjects of forgery, 682.

subjects of false pretences, 1195.

when subjects of larceny, 876-7.

BIRTH, in infanticide, a question of fact, 446.

BLACKMAILING, 1664.

BLASPHEMOUS LIBELS, 1605.

BLASPHEMY, when indictable, 1431-2, 1443, 1605.

BLOWS, when a defence to homicide, 457.

BOATS, offences in, venue, 290.

"BODY SNATCHING," 1432 a.

BOND, subject of forgery, 682.

of larceny, 876.

BORROWING is not larceny, 886.

BOWLING ALLEYS, when nuisances, 1462-5.

BOXING MATCHES, death through, 372-3.

indictability of, 1465 a.

BOY, capacity of, to commit rape, 551.

"BRAG," not a false pretence, 1155, 1193.

BRAWLERS, COMMON, when indictable, 1448

INDEX.

BREACHES OF THE PEACE, conspiracies to commit, 1353.

when indictable, 1535.

BREACH OF PRISON.

Prison breach is a forcible departure from custody, 1672.

offence extends to escape from civil process, 1673.

enough if process be regular, 1674.

custody of any kind is enough, 1675.

attempt is indictable, 1676.

law of principal and accessory applies, 1677.

voluntary escape is indictable, 1678.

necessity a defence, 1679.

BREAKING IN BURGLARY (see BURGLARY).

BRIBERY.

Bribery, or attempt at bribery, is a misdemeanour at common law, 1857.

corroboration required to convict (see CORRUPTION, ELECTIONS, MIS-  
CONDUCT IN OFFICE), 1859.

BRICK-MAKING, when a nuisance, 1412.

BROTHER, neglect by, 1563.

assistance by, in self-defence, 479.

BUGGERY (see SODOMY).

BUILDING, when a nuisance, 1412.

BULK, breaking of, when larceny, 967.

BURDEN OF PROOF in insanity, 60.

BURGLARY.

*Breaking.*

Definition, 758.

breaking must be actual or constructive, 759.

breaking an outside disconnected gate is not burglary, 760.

and so of detached outer covering to window, 761.

breaking an inside room is burglary, 762.

and so though defendant is guest at the inn, 763.

breaking chest or trunk is not burglary, 764.

entrance by trick may be a breaking, 765.

and so of entrance by conspiracy with servant, 766.

locks or nails not a necessary protection, 767.

entrance by chimney is breaking, 768.

but not entering through aperture in wall, or open door, 769.

nor entering by assent, 770.

breaking out of house is not burglary at common law, 771.

owner's opening produced by fright is no defence, 772.

*Entry.*

Need not be simultaneous with breaking, 773.

but without entry breaking is not enough, 774.

entrance of hand sufficient, 775.

and so of discharging gun, 776.

and so of entrance by chimney, 777.

INDEX.

BURGLARY—(continued).

but not so of boring hole, 778.

nor of taking money without entry, 779.

some entrance must be effected, 780.

*Dwelling-house.*

Dwelling-house is a house in which occupiers usually reside, 781.

church edifice, 782.

it is burglary to break into an out-building which is appurtenant to dwelling-house, 783.

house not yet occupied not the subject of burglary, 784.

nor building casually used, 785.

otherwise as to building occupied by executors, 786.

"chambers" and "lodging-rooms" may constitute a dwelling, 787.

and so of apartments in tenement houses, 788.

and so of permanent tents and log cabins, 789.

occupation by servant may be occupation of master, 790.

not necessary that some one should be at the time in the house, 791.

*Definition of Statutory Terms.*

"Shop" is a place for the sale of goods, 792.

"warehouse" is a place for business storage, 793.

"storehouse" is a place for family as well as business storage, 794.

"store" is a place for keeping and sale of goods, 795.

"counting-house" is a building where accounts are kept, 796.

"out-houses" are buildings in proximate relation to building in chief, 797.

*Ownership.*

Occupier is to be generally regarded as owner, 798.

and so of servant who occupies at a yearly rent, 799.

house occupied by married woman to be laid as husband's, 800.

public building may be described as property of occupant, 801.

transient guests' chambers are to be laid as the landlord's dwelling; otherwise with permanent guests, 802.

permanent apartments are dwellings of occupants, 803.

possession is sufficient if as against burglars, 804.

owner may be indicted for burglary in his lodger's apartments, 805.

*Time.*

Breaking must be in night-time, 806.

night is from twilight to twilight, 807.

time is to be inferred from facts, 808.

time as defined by statute, 809.

*Intention.*

Felonious intention must be averred and proved, 810.

is to be inferred from facts, 811.

but need not have been executed, 812.

possession of stolen goods sustains inference of burglary, 813.

*Indictment.*

Proper technical terms should be used, 814.

INDEX.

BURGLARY—(continued).

house must be averred to be dwelling-house, 815.  
ownership must be correctly stated, 816.  
offence must be averred to have been in the night, 817.  
intent to commit felony must be averred, 818.  
defendant may be convicted of burglary and acquitted of larceny, or the converse, 819.  
goods intended to be stolen need not be specified, 820.  
counts varying facts may be introduced, 821.

Attempts.

Attempts at burglary are indictable at common law, 822.

BURIAL, neglect of indictable, 1432 a.  
conspiracy to prevent, 1365.  
violation of rights of, 1432 a.

BURNING (see ARSON).

BUSINESS, OFFENSIVE, when indictable, 1438.

CANDIDATES, criticism on, when libellous, 1637.

CANON LAW, rule as to marriage, 1697.

CAPITAL PUNISHMENT, homicide by, 508

CAPTAIN OF VESSEL.

Confining, 1881.  
power of corporal punishment, 1871, 1872.  
forcing seamen on shore by, 1886.  
indictable for negligent homicide, 337, 352, 374.

CARELESS DRIVING, homicide by, 353, 354, 355.

CARELESSNESS (see NEGLIGENCE), 169.

CARNAL KNOWLEDGE (see RAPE), 550 *et seq.*  
of children, 578.

CARRIAGES, offences in, venue, 290.

CARRIER, may be convicted of embezzlement, 1058.  
embezzlement by, 1827.

CARRIERS (see EMBEZZLEMENT, LARCENY).

CASHIER (see EMBEZZLEMENT), 1051.  
of national bank, jurisdiction over, 266.

CASTRATION, a mayhem, 581–583.

CASUS, how far a defence, 169.

how affecting causation, 169.

CATTLE, malicious injury to, 1067, 1072, 1082 a.  
when subjects of larceny (see LARCENY), 871.  
larceny of, when astray, 863.

CAUSAL CONNECTION BETWEEN OFFENDER AND OFFENCE.

The will causes whatever effect it co-operates in producing, 152.  
a cause is that which turns the balance, 153.  
other conditions co-operating do not affect the responsibility of one who operates with these conditions, 154.

INDEX.

CAUSAL CONNECTION, Etc.—(continued).

otherwise when subsequent conditions occur to vary result, 155.  
accelerating death of dying, homicide, 155 a.  
omission to perform legal duty indictable, and so of a party exposing helpless persons, 156.  
when death is negligently induced by a physician's misconduct, assailant is not responsible, 157.  
medical man may be in such cases responsible, 158.  
no defence that death was caused by disease induced by wound, 159.  
interposition of responsible will breaks causal connection, 160.  
causation not broken by irresponsible intermediate agent, 161.  
concurrent negligence of another no defence, 162.  
injured party's contributory negligence may break causal connection, 163.  
contributory negligence no defence when the result of fright caused by defendant's misconduct, 164.  
prior negligence of party injured no defence if defendant by proper caution could have avoided injury, 165.  
persons leaving dangerous agencies where they are likely to be unconsciously meddled with responsible for the consequences, 166.  
causation not necessarily physical, 167.  
to negligent causation not necessary that damage should have been foreseen, 168.  
responsibility ceases when *casus intervenit*, 169.  
in homicide death must be imputable to defendant, 309 a.

CEMETERY, may be protected from intruders, 626.

CHALLENGE TO FIGHT DUEL.

Sending challenge is a misdemeanor at common law, 1768.  
by statute specific penalties are inflicted, 1769.  
the combat must be premeditated, 1770.  
deadly weapons must be intended, 1771.  
challenge must be for satisfaction of honor, 1772.  
persons provoking challenge are indictable at common law, 1773.  
no defence that duel was to be fought extra-territorially, 1774.  
all concerned are principals, 1774 a.

Indictment.

Challenge need not be specially pleaded, 1775.  
statute must be followed, 1776.

Evidence.

Challenge may be inferred from facts, 1777.  
admissions of seconds are evidence, 1778.

CHAMBERS, burglary in (see BURGLARY), 787.

CHAMPERTY, as a common law offence, 1853.

"CHANCE," essential to gaming, 1465 a.

CHANCE-MEDLEY, 306.

CHANCERY, answers in, how proved, 1309.

INDEX.

CHARACTER FOR TRUTHFULNESS, admissible for defence in perjury, 1327.  
CHARACTER OF DECEASED, when an element in homicide, 488 *et seq.*  
CHARITY, omissions of, resulting fatally, how far imputable, 329, 330, 1563 *et seq.*  
    omissions of, generally not indictable, 132.  
CHARTER, when defence to indictment for obstructing highway, 1484.  
    no defence to nuisance, 1424.  
CHARTER OF BANK, how to be proved, 716.  
    how to be pleaded, 741.  
CHASTISEMENT, undue, homicide through, 374.  
CHASTITY, essential to indictment for seduction, 1757.  
    defence of (see HOMICIDE, RAPe).  
CHASTITY OF ANOTHER, homicide in defence of, 459, 460.  
CHATTELS (see LARCENY).  
CHEAT, conspiracy to commit, 1347.  
CHEATS.  
    *Cheats at Common Law.*  
        Cheats affecting public justice are indictable, 1117.  
        and so of cheats by false tokens and devices calculated to affect public, 1118.  
        but not by short weight without false token, 1119.  
        adulterations must be latent, directed to public in general, 1120.  
        cheats by public false news may be indictable, 1121.  
        and so of false dice, 1122.  
        and so of false notes calculated to affect public at large, 1123.  
        and so of false personation, 1124.  
        and so of false stamps and trade-marks, and author's name, 1125.  
        but not cheats whose falsity is not latent and addressed to the public at large, 1126.  
        false pretences not cheats, 1126.  
        nature of distinction between public and private cheats, 1127.  
        when only possession is obtained, offence may be larceny, 1127 *a*.  
        indictment for public cheat need not name party cheated, 1128.  
        mode of cheating should be specified, 1129.  
    *Statutory Cheats by False Pretences (see FALSE PRETENCES).*  
CHICKENS, malicious mischief to, 1067, 1082 *d*.  
CHILD, may be corrected by parent, 631, 1563.  
    killing of (see HOMICIDE).  
    negligent homicide, through parent, 531, 559.  
    carnal abuse of (see RAPe).  
    command of parent no defence, 94 *a*.  
CHILD, BASTARD, concealing death of, 690.  
CHILD-BED, sacrifice of life in, 510.  
CHILD'S CLOTHES, how laid, 947.  
CHILDREN (see INFANTS), 67.

INDEX.

CHINESE LANGUAGE, when to be translated, 730.  
CHLOROFORM, unconsciousness through, 66, 562.  
CHOSES IN ACTION, when subjects of larceny, 876.  
CHRISTIANITY, how far part of the common law, 20, 1605.  
CHURCH.  
    breaking into, when burglary (see BURGLARY).  
    services, disturbance of, 1556 *a*.  
CHURCH COURTS, when entitled to administer oath, 1260.  
CHURCHES, laws as to selling liquor near, 1512 *a*.  
CIDER, when intoxicating, 1505.  
CITIZENS ABROAD, jurisdiction over, 271.  
CIVIL ARRESTS, homicide daring, 403, 414, 429.  
CIVIL PROCESS, may be concurrent with criminal, 362.  
CIVIL RIGHTS, conspiracy to impair, 1356 *b*.  
CIVIL SUIT, no defence to assault, 618.  
    when a suspension to perjury, 1324.  
CLAIM AGENT, misconduct by, 1568.  
CLAIM, FALSE, on government, 1164 *a*.  
CLAIM OF RIGHT, defeats larceny, 884.  
CLERK, larceny by, 960.  
    embezzlement by (see EMBEZZLEMENT).  
    meaning of term, 1021.  
CLUB, gaming or selling liquor in, 1465 *b*, 1519 *a*.  
COAL, continuous stealing of, 931.  
    whether furnishing a breach of neutrality, 1907.  
“COCK-FIGHTING,” when indictable, 1465 *a*.  
CO-CONSPIRATORS, responsible for each other's acts, 1405.  
    declarations of, 1406.  
COERCION, when a defence, 94.  
    when a defence to a married woman, 78.  
    when to servant or child, 942.  
    when a provocation, 481.  
COFFINS, may be subjects of larceny, 863, 937.  
COHABITATION, ILLICIT.  
    Offence must be continuous and lewd, 1747.  
    statutes must be followed in indictment, 1748.  
    proof is inferential, 1748 *a*.  
Incest.  
    Is an offence at common law, 1749.  
    constituents of offence must be made out, 1750.  
    may be conviction of an indictment for major offence, 1751.  
    *scienter* is essential, 1752.  
    relationship provable by admissions, 1753.  
“Miscegenation” is Statutory Offence, 1754.  
COIN, mode of describing, 721, 748, 754.

INDEX.

COINING, when indictable, 748.  
COLLATERAL INJURY, when indictable (see FORGERY), 119.  
COLLATERAL MOTIVES as defence, 119.  
COLLATERAL OFFENCES, liability for, 213, 220.  
COLLECTOR, indictable for embezzlement, 1063.  
COLLEGES, laws as to selling liquor near, 1512 a.  
COMBINATIONS (see CONSPIRACY).  
COMBINATIONS to affect labor, 1366.  
    to affect the market, 1369.  
    to affect wages, 1366-67.  
COMBUSTIBLE COMPOUNDS, when nuisance, 1441.  
COMFORT, offences against (see NUISANCE).  
"COMFORTING" offender, responsibility for, 241.  
COMMAND, when a defence, 94 *et seq.* (see COERCION).  
COMMERCIAL AGENCIES, when privileged, 1693.  
COMMERCIAL PAPER, subject of forgery, 682.  
COMMERCIAL TRAVELLER, when guilty of embezzlement, 1021.  
COMMON BARRATOR, when indictable, 1444.  
COMMON BRAWLERS, when indictable, 1449.  
COMMON CARRIER, when guilty of larceny, 964.  
COMMON LAW, how far binding in the United States, 15 a.  
    how far a rule in the United States courts, 253.  
COMMON LAW JURISDICTION, none in federal courts, 253.  
COMMON LEWDNESS, when indictable, 1446.  
COMMON NUISANCE (see NUISANCE).  
COMMON SCOLDS, indictable at common law, 1442.  
"COMMON SELLER OF LIQUORS," meaning of, 1502.  
COMPLEXITY OF MOTIVE, 119.  
COMPOUNDING CRIMES, when indictable, 1559.  
COMPROMISE VERDICTS, in murder, may be sustained, 391.  
COMPULSION, when a defence, 94.  
CONCEALED WEAPONS, wearing, when indictable, 1557.  
CONCEALING DEATH OF BASTARD CHILD, 600.  
CONCEALMENT of offender, responsibility for, 241.  
CONCURRENT JURISDICTION (see CONFLICT OF JURISDICTIONS).  
CONDITIONS, distinguishable from causes, 152, 178.  
CONDUCT, when a false pretence, 1170.  
CONDUCTOR OF RAILROAD, responsible for negligent homicide, 337,  
    347-8, 350.  
    power to arrest passengers, 487, 623.  
CONFEDERACY, with constructive presence, may constitute principal, 213.  
    but act must result from confederacy, 214.  
CONFEDERATES, all responsible, 220.  
CONFessions, weight of, in proving marriage, 1700.  
    in adultery, 1734.  
CONFINING MASTER OF VESSEL, 1881.

INDEX.

CONFLICT OF JURISDICTIONS.

*Judicial Powers settled by Federal Constitution.*

Summary of federal judicial powers given by Constitution, 252.  
prevalent view is that federal judiciary has no common law criminal jurisdiction, 253.  
conflict of early rulings on this topic, 254.  
rulings do not shut out common law as a standard of interpretation, 255.  
conclusion is that no jurisdiction is given of exclusively common law offences, 256.  
statutory jurisdiction of federal courts, 257.  
includes offences against law of nations, 258.  
also offences against federal sovereignty, 259.  
also offences against individuals on federal soil or on ships, 260.  
also offences against property of federal government, 261.  
also against public federal justice, 262.

*In what Courts Offences against Federal Government are to be tried.*

State courts have not concurrent jurisdiction unless given by statute, 264.  
conflict of opinion as to State jurisdiction, 265.  
as to offences distinctively against U. S. the States are independent sovereigns, 266.

*Conflict as to Habeas Corpus.*

Right of the courts to discharge from federal arrests, 267.  
federal courts have statutory power of *habeas corpus* in federal cases, 268.

*Conflict and Concurrence of Jurisdictions. Offences at Sea.*

Offences at sea cognizable in country of flag, 269.  
federal courts have jurisdiction of crimes on high seas out of State jurisdiction, 270.

sovereign has jurisdiction of sea within cannon shot from shore, 270 a.

*Offences by Subjects Abroad.*

Subjects may be responsible to their own sovereign for offences abroad, 271.  
apportionment of this sovereignty between federal and State governments, 273.

also over political offences abroad, 274.

political extra-territorial offences by subjects are punishable, 275.

perjury and forgery before consular agents punishable at home, 276.

homicide by subjects abroad punishable in England, 277.

law of place of performance determines indictability, 292 a.

*Liability of Extra-territorial Principal.*

Extra-territorial principal may be intra-territorially indictable, 278.

agent's act in such case imputable to principal, 279.

doubts in cases where agent is independently liable, 280.

*Offences by Aliens in Country of Arrest.*

Aliens indictable in country of arrest by Roman law, 281.

so in English and American law, 282.

so as to Indians, 282 a.

but not so as to belligerent insurgents, 283.

INDEX.

CONFLICT OF JURISDICTIONS—(continued).

*Offences by Aliens Abroad.*

Extra-territorial offences against our rights may be intra-territorially indictable, 284.  
jurisdiction claimed in cases of perjury and forgery before consuls, 285.  
punishment in such cases, 286.

*Offences committed part in one Jurisdiction and part in another.*

Accessaries and co-conspirators liable in place of overt act, 287.  
in continuous offences each place of overt act has cognizance, 288.  
adjustment of punishment in such cases, 289.  
offences in carriages and boats, 290.  
in larceny thief liable wherever goods are brought, 291.  
in homicide statutory jurisdiction is given to country of death, 292.

*Offences against two Sovereigns.*

The first prosecuting an offence absorbs it, 293.

CONGREGATIONS, disturbing, indictable, 1556.

CONGRESS, powers of, as to crime, 252.

CONNECTICUT, homicide statute of, 576.

CONNIVANCE (see CONSENT).

CONSCIENTIOUS BELIEF,

when a defence to homicide, 336.

CONSCIOUSNESS OF ILLEGALITY, effect of, 120.

CONSENSUAL MARRIAGES, valid at common law, 1697.

CONSENT, to injury, when party may bar a prosecution—*Volenti non fit injuria*, 141.

not as to public criminal immoralties, 142.

nor as to inalienable rights, 143.

consent will not excuse the taking of life, 144.

nor the deprivation of liberty, 145.

nor waive constitutional rights of trial, 145 a.

capacity to consent and actual consenting prerequisites, 146.

contributory negligence may be a defence, 147.

laches on prosecutor's part may be a defence, 148.

trap laid by prosecutor not ordinarily a defence, 149.

consent obtained by fraud is no defence, 150.

conditioned on capacity, 146.

how far waiving rights, 141.

a defence to assault, 636.

a defence to robbery, 856.

of owner, bars larceny, 914.

no defence to homicide, 142, 372, 451.

no defence to foeticide, 592.

no defence to seduction, 1759.

CONSEQUENCES, how far imputable, 156, 160.

INDEX.

CONSPIRACY.

*General Considerations.*

Conspiracies are indictable when directed to accomplishment of illegal object or use of illegal means, 1337.  
offence to be limited to such cases, 1338.  
where concert is necessary to an offence conspiracy does not lie, 1339.  
conspiracy must be directed to something which, if not interrupted by extraneous interference, will result in unlawful act, 1340.  
not necessary that all the parties should be capable of committing offence, 1340 a.  
analogous in some respect to attempt, 1341.  
evil intent is necessary to offence, 1341 a.  
jurisdiction of, 287.

*Conspiracies to commit an Indictable Offence.*

Conspiracy to commit felony is indictable at common law as a misdemeanor, 1342.

indictment need not detail means, 1343.

gradual abandonment of doctrine of merger, 1344.

in conspiracies to commit misdemeanors, indictment need not detail means, 1345.

such conspiracy does not merge, 1346.

conspiracies to cheat are indictable at common law, 1347.

enough if indictment charge "divers false pretences," 1348.

on the merits a conspiracy to defraud is punishable, 1349.

mere civil trespass or fraud not enough; otherwise as to forcible entry and detainer, 1350.

conspiracy in fraud of bankrupt or insolvent laws indictable, 1351.

and so of conspiracies to violate lottery laws, 1352.

and of conspiracies to commit breaches of the peace, 1353.

and so to assault, 1354.

and so to falsely imprison, 1355.

and so of seditious conspiracies, 1356.

and so of conspiracies against the United States, 1356 a.

and so to utter illegal notes, 1357.

*Conspiracies to use Indictable Means to effect Indifferent End.*

When the illegality is in the means, the means must be set forth, 1358.

*Conspiracy to do an Act whose Criminality consists in the Confederacy.*

Acts which derive their indictability from plurality of agents, 1359.

conspiracy to commit such acts is indictable, 1360.

*To commit Immoral Acts.*

Conspiracy to seduce or cause to elope is indictable, 1361.

so to procure a fraudulent marriage or divorce, 1362.

so to debanch, 1363.

so to produce abortion, 1364.

so to prevent interment of dead body, 1365.

INDEX.

**CONSPIRACY—(continued).**

*To prejudice the Public or Government generally.*

Conspiracy to forcibly or fraudulently raise or depress labor is indictable, 1366.  
unlawful means should be averred, 1367.  
conspiracy to keep an operative out of employment or induce him to leave is indictable, 1368.  
so to engross business staple or means of transportation, 1369.  
so to suppress competition at auction, 1370.  
so to combine to do wrong by secrecy or coercion, 1371.  
so to tamper with election, 1372.  
so to defraud revenue, 1373.  
so to publish false report of corporation, 1374.  
so to attempt corrupt bargains with government, 1375.

*To falsely accuse of Crime or extort Money.*

Conspiracy to falsely prosecute is indictable, 1376.  
conviction no bar, 1377.  
indictment need not detail imputed crimes, 1378.  
conspiracy to extort money is indictable, 1379.

*Conspiracies to obstruct Justice.*

Such conspiracies are indictable, 1380.

*General Requisites of Indictment.*

Executed conspiracies should be so averred, 1381.  
overt acts not necessary when conspiring is *per se* indictable, 1382.  
may be useful as explaining conspiracy charge, 1383.  
overt acts may be required by statute, 1384.  
fact of their omission may be explained, 1385.  
bill of particulars may be required, 1386.  
counts for conspiracy can be joined with counts for substantive offence, 1387.

two or more persons necessary to offence, 1388.

prosecution may elect co-conspirators to proceed against, 1389.  
all contributing with knowledge of common design may be joined, 1390.  
acquittal of one defendant evidence on trial of other, 1391.  
husband and wife without other defendant not sufficient, 1392.  
unknown co-conspirators can be introduced, 1393.  
judgment should be several, 1394.  
new trial for one is new trial for all, 1395.  
parties injured must be named if practicable, 1396.  
venue may be in place of overt act, 1397.

*Evidence.*

Proof of conspiracy is inferential, 1398.  
complicity in prior stages unnecessary, 1399.  
no overt act necessary, 1400.  
order of evidence discretionary with court, 1401.  
mere cognizance of fraudulent action no conspiracy, 1402.

INDEX

**CONSPIRACY—(continued).**

material variance as to means fatal, 1403.  
system of conspiracy may be proved, 1404.  
co-conspirators are liable for each other's acts, 1405.  
declarations of co-conspirators admissible against each other, 1406.

*Verdict.*

Verdict acquitting all but one defendant acquits all, 1407.

**CONSPIRATORS**, venue in case of, 287.

**CONSTABLES**, killing of, or by (see **HOMICIDE**).

powers of (see **Officers**).

**CONSTITUTIONALITY** of liquor laws, 1590.

of Sunday laws, 1431 a.

of laws as to concealed weapons, 1559.

of laws as to place of trial, 287-92.

of *ex post facto* legislation, 80, 81.

**CONSTITUTIONAL RIGHTS**, when to be waived by consent, 145 a.

**CONSTRUCTION** of penal statutes, 28.

**CONSTRUCTIVE TREASON** (see **TREASON**), 1796.

**CONSULS ABROAD**, how far having jurisdiction over crimes, 273.

**CONSULS, FOREIGN**, assaults on, 1899.

**CONTAGIOUS DISEASES**, communicating, indictable, 1436.

**CONTINGENT RESULTS**, how far imputable in homicide, 315-8.

**CONTINUANCE OF LIFE**, presumption of, 1796.

**CONTINUOUS JURISDICTION**, venue in case of, 288.

**CONTINUOUSNESS**, when imputed to malice, 114.

**CONTINUOUS OFFENCES**, divisibility of, 27.

jurisdiction of, 288.

**CONTINUOUS STEALING**, when divisible larceny, 931.

**CONTRABAND ARTICLES**, may be subjects of larceny, 882 a.

**CONTRACT**, breach of, not indictable, 1173.

not necessary to negligence, 134.

obtaining goods by, may be cheating by false pretence, 1180.

**CONTRIBUTORY NEGLIGENCE** may break causal connection, 163.

no defence when the result of fright caused by defendant's misconduct, 164.

prior negligence of party injured no defence if defendant by proper caution could have avoided injury, 165.

when a defence, 147, 162, 703.

when a defence to false pretences, 1178, 1186-9.

in homicide, how far a defence, 341.

**CONVEYANCES, FRAUDULENT**, 1238.

**CONVICTION**, conspiracy to procure, 1376.

**CONVICTS**, only to be punished according to law, 139.

**COOLING TIME**, duration of, 480.

"COONS," not subjects of larceny, 869.

**CORN**, when subject of larceny, 866.

INDEX.

CORPORAL PUNISHMENT, 631-6, 1871.  
CORPORATIONS, indictable for breach of duty, 91.  
    so in cases of libel, 628 *a*.  
    penalty is fine and distress, 92.  
    *quasi* corporations indictable for breach of duty, 93.  
    charter of, how to be proved, 716.  
    how to be pleaded, 741.  
    how ownership by, is to be laid, 716, 941.  
    may be prosecutor when not illegal, 1035.  
    may prosecute for embezzlement, 1036.  
    may prosecute for libel, 1602.  
CORPSES, indecent treatment of, indictable, 1432 *a*.  
CORPUS DELICTI, in homicide, proof of, 811.  
CORRECTION, undue, 631, 1563 *et seq.*  
    homicide through, 374.  
CORROBORATION of prosecution in rape, 565.  
    in seduction, 1758.  
    in perjury, 1819.  
“CORRUPT,” meaning of, in perjury, 1246, 1250.  
CORRUPTING WITNESS, 1333-4.  
CORRUPTION IN ELECTION, indictable, 1882-45.  
CORRUPTION by public officer indictable, 1572 *b*, 1857, 1859 (see BRIBERY,  
    MISCONDUCT IN OFFICE).  
COUNSEL, speeches and publications of, when libels, 1637.  
    advice of, when a defence in perjury, 1248.  
    when in other cases, 85 *b*.  
COUNSELLING, responsibility for, 227.  
COUNTERFEITING, 675, 689, 697, 748 *et seq.* (see FORGERY).  
COUNTERFEIT MONEY, possession of, 720.  
    uttering (see FORGERY).  
COUNTIES, when indictable for neglect, 93.  
COUNTING-HOUSE, when subject of burglary, 796.  
COUNTS, variation of, in murder, 526.  
COURsing MATCHES, a lawful game, 1465 *a*.  
COURTS (see CONFLICT OF JURISDICTIONS).  
    *In what Courts Offences against Federal Government are to be tried.*  
        State courts have not concurrent jurisdiction unless given by statute, 264.  
        conflict of opinion as to State jurisdiction, 265.  
        as to offences distinctively against United States the States are independent sovereigns, 266.  
COURTS, FEDERAL, no common law jurisdiction, 253.  
    statutory jurisdiction given to (see FEDERAL COURTS), 256-62.  
    no common law jurisdiction in, 253.  
COURTS, libels on, 1614.  
COURTS-MARTIAL, jurisdiction of, 294-5 (see BELLIGERENTS).  
COVERTURE, 75 *et seq.* (see MARRIED WOMEN).

INDEX.

COW, malicious injury to, 1067, 1082 *a*.  
“CREMATION,” not indictable at common law, 1434.  
CREW, MALTREATMENT OF.  
    *Who are Crew.*  
        “Crew” includes all seamen except master, 1871.  
        forcing on shore, 1886.  
    *Power of Officers.*  
        Master has power of corporal punishment by maritime law, 1872.  
        otherwise under statute, 1873.  
CRICKET, a lawful game, 1465 *a*.  
CRIME, DEFINITION AND ANALYSIS OF.  
    Crime is an act made punishable by law, 14.  
    immorality and indictability not convertible, 14 *a*.  
    distinction between public and private remedies, 15.  
    English common law in force in the United States, 15 *a*.  
    want of English common law authorities does not preclude offence from being indictable at common law in the United States, 16.  
    disturbances of the public peace indictable at common law, 17.  
    so of malicious mischief, 18.  
    so of public scandal and indecency, 19.  
    offences exclusively religious not indictable, 20.  
    offences at common law are treason, felonies, and misdemeanors, 21.  
    felonies are crimes subject to forfeiture, 22.  
    misdemeanors include offences lower than felonies, 23.  
    police offences to be distinguished from criminal, 23 *a*.  
    an act, when prohibited by statute, is indictable, though indictment is not given by statute, 24.  
    statutory provisions to be strictly followed, 25.  
    new statutory penalties are cumulative with common law, 26.  
    may be divisible: (1) by discharging aggravating incidents; (2) by diversity as to time; (3) by diversity as to place; (4) by diversity as to objects; (5) by diversity as to aspects; and (6) by diversity as to actors, 27.  
    penal statutes to be construed favorably to accused, 28.  
    retrospective statute inoperative, 29.  
    and so as to *ex post facto* acts imposing severer penalty, 30.  
    but procedure may be retrospectively changed, 31.  
    State may relieve from punishability by limitation or pardon, 31 *a*.  
    repulsion of, justifiable in murder, 484, 495.  
CRIMES, conspiracies to commit, 1342.  
    compounding, indictable, 1559.  
CRIMINAL, execution of, homicide in, 508.  
CRIMINAL PROCESS, rules as to, 27 *et seq.*  
    may be concurrent with civil, 31 *b*.  
CRITICISMS on public matters when indictable, 1640.  
CROPS, when subject of larceny, 866.

INDEX.

CRUELTY, when aggravating homicide, 458, 473.  
    to animals, 1082 d (see MALICIOUS MISCHIEF).  
CULPA, when ignorance a defence to, 85.  
CULPA LEVIS, definition of, 125.  
CUSTOM OF COUNTRY, no defence, 84.

DAIRY, when a nuisance, 1412.  
DAM, on river, when nuisance, 1480.  
DAMAGE, not necessary to causation, 168.  
DANGER, to be determined by stand-point of party, 488.  
    when justifying self-defence, 102.  
DANGEROUS AGENCIES, homicide through, 343, 507.  
    liability for, 133, 161, 166.  
DANGEROUSNESS, when a nuisance, 1412.  
DANGEROUS WEAPONS, when wearing, indictable, 1553, 1557.  
    assaults with, indictable by statute, 645 d.  
DEAD BODY, not subject of larceny, 863.  
    indecent treatment of, indictable, 1432 a.  
    conspiracy to dishonor, 1365.  
DEADLY WEAPONS, assaults with, indictable by statute, 645 d.  
DEALER, meaning of term, 1502.  
DEATH, proof of, 1703.  
    accelerating is homicide, 155 a.  
    causing (see CAUSAL CONNECTION; HOMICIDE).  
    materiality of, in indictment for murder, 537.  
DEATH, PLACE OF, how far giving jurisdiction in homicide, 292.  
DEBAUCH, conspiracy to, 1861-3.  
DECEASED PERSONS, libels on, 1590.  
DECEASED PERSON'S GOODS, how laid, 950.  
DECET (see CHEATS).  
DECoy, how far precluding prosecution, 149, 1828.  
DEEDS, when subjects of larceny, 876-7.  
DEER, when subjects of larceny, 869.  
DE FACTO OFFICERS, resistance to, when indictable, 652.  
    title of, 1572 d.  
DE FACTO SOVEREIGN, adherence to, not treason, 1799.  
    powers of, 10.  
DEFAME, conspiracy to, 1379.  
DEFENCE (see HOMICIDE), 97 *et seq.*  
DEFENDANTS, plurality of, how far creating divisibility of offence, 27.  
    number of, in conspiracy, 1888.  
    in riot, 82, 1545.  
DEFRAUD, conspiracy to, 1349, 1856 a.  
    by individuals (see CHEATS).  
    underwriters, conspiring to (see UNDERWRITERS), 848, 1894.  
DEGREES OF CRIME (see DIVISIBILITY, HOMICIDE).  
DELAWARE, law as to homicide, 377.

INDEX.

DELICTS, character of, 21, 22.  
DELIRIUM TREMENS, as a defence, 48.  
DELUSION, how far a defence, 37.  
DERANGEMENT (see INSANITY).  
DESERT LANDS, offences in, 271-275.  
DESERTION, of marriage duty, proof of (see BIGAMY).  
DESERTION OF SAILOR, a defence to putting on shore, 1887.  
DESTROYING VESSEL, with intent to defraud, 1897.  
DETAINER (see FORCIBLE ENTRY).  
DETECTIVE, employment of, how far precluding prosecution, 149.  
    not an accessory, 231 a.  
DICE, false, cheating by, 1122.  
DIPLOMAS, when the subjects of forgery, 688.  
DIPLOMATIC AGENTS, privileges of, 1899.  
DIPSOMANIA, as a defence, 48.  
DISCRETIONARY DUTIES, no liability for neglect of, 339.  
DISEASED MEAT, exposure of, 1484.  
DISEASE, communication of, 1436.  
DISORDERLY AND TIPPLING HOUSES.  
    Bawdy house and disorderly house are indictable at common law, 1449.  
    enough if facts constituting nuisance be averred, 1450.  
    character of house to be proved inferentially, 1451.  
    bad reputation of visitors admissible, 1452.  
    ownership to be proved inferentially, 1453.  
    tippling-houses indictable at common law, 1454.  
    married woman indictable for keeping house, 1455.  
    proof of general nuisance is enough, 1456.  
    offence need not be *lucr i causa*, 1457.  
    a room or a tent may be a "house," 1458.  
    letting house of ill-fame indictable at common law, 1459.  
    cognizance of object sufficient, 1460.  
DISPROPORTIONATE MALICE, no defence, 120.  
DISSUADING WITNESS from attendance, 1339.  
DISTRICT OF COLUMBIA, powers of Congress as to, 252.  
DISTURBANCE OF MEETINGS, indictable, 1556.  
DISTURBANCE OF OTHERS (see NUISANCE).  
DISTURBANCES OF PUBLIC PEACE, indictment at common law, 17,  
    1536.  
DIVISIBILITY.  
    An offence may be divisible: (1) by discharging aggravating incidents;  
    (2) by diversity as to time; (3) by diversity as to place; (4) by diversity  
    as to objects; (5) by diversity as to aspects; and (6) by diversity  
    as to actors, 27.  
DIVORCE, fraudulent, conspiracy to effect, 1362.  
    proof of, in bigamy cases, 1695, 1704 a.  
    effect of, 1695 a.

INDEX.

DOCKS, obstructing, when a nuisance, 1482.  
DOCK-YARDS, offences in, jurisdiction of, 260.  
DOGS, dangerous, homicide through, 358  
    not subjects of larceny, 872.  
    malicious injury to, 1069, 1076, 1082 d.  
    when a nuisance, 1412.  
    private killing of, when dangerous, 1082 d, 1426.  
DOG-RACING, when a game of chance, 1465 a.  
DOLUS.  
    Meaning of, 106.  
    *dolus* classified as *determinatus* and *alternativus*, 109.  
    *dolus determinatus* is where a single object is persistently pursued, 110.  
    *dolus alternativus* is where the purpose is capable of alternate realization, 111.

DOMESTIC ANIMALS (see LARCENY, MALICIOUS MISCHIEF).

DOMICIL, effect of, as to marriage, 1697, 1698.

DOMINOES, when gaming, 1465, 1465 a.

DOORS (see BURGLARY).

DOUBLE OFFENCES (see DIVISIBILITY).

DOUBLE VOTING, when indictable, 1838.

DOUBT, how affecting question of degree in murder, 392.

DOUBT AS TO MALICE, leading to verdict for minor offence, 118.

DRINK, unwholesome, selling is indictable, 1434.

DRIVING, careless, homicide through, 353, 354.

DRUGGIST, responsible for negligent homicide, 366-368.

    when entitled to sell spirituous liquors, 1506.

DRUNKARD, sales of liquor to, 1512 a.

DRUNKENNESS, when a defence (see INSANITY), 48 *et seq.*

DRUNKENNESS IN PUBLIC OFFICER, indictable, 1588.

DUEL, killing in, is murder, 482.

DUELLED.

*Requisites of Offence.*

A duel is a concerted fight with deadly weapons for satisfaction of honor, 1767.

    sending challenge is a misdemeanor at common law, 1768.

    by statute specific penalties are inflicted, 1769.

    the combat must be premeditated, 1770.

    deadly weapons must be intended, 1771.

    challenge must be for satisfaction of honor, 1772.

    persons provoking challenge are indictable at common law, 1773.

    no defence that duel was to be fought extra-territorially, 1774.

    all concerned are principals, 1774 a.

*Indictment.*

Challenge need not be specially pleaded, 1775.

statute must be followed, 1776.

*Evidence.*

Challenge may be inferred from facts, 1777.

INDEX.

DUELLED—(*continued*).

    admissions of seconds are evidence, 1778.

    all principals in, 215.

DURATION, inference of, as to malice, 114.

    to be inferred from facts, 115.

DURESS, when a defence, 97.

DUTY, defect in discharge of, when indictable, 125, 128, 130, 156, 1563 *et seq.*

    homicide in discharge of, 508-9.

DWELLING-HOUSE, homicide in defence of, 465, 502, 506-7.

*Protection of Dwelling-house*, 502.

    A person when attacked in his dwelling-house need retreat no further, 502.

    house may be defended by taking life, 503.

    but right is only of self-defence and prevention, 504.

    friends may unite in such a defence, 505.

    right does not excuse killing intruder in house, 506.

    killing by spring-guns, when necessary to exclude burglars, excusable, 507.

(See ARSON, BURGLARY, FOEABLE ENTRY.)

EAVES-DROPPING, how far indictable, 19, 1445.

ECCLESIASTICAL COURTS, when entitled to administer oath, 1260.

ECCLESIASTICAL OFFENCES, 20, 1717, 1741.

EGGS, when subjects of larceny, 869, 875.

ELECTION, by prosecution as to offence, 27 a, 641 a, 978, 1050.

    conspiracy fraudulently to affect, 1372, 1375.

    violent interference with indictable, 1848 a.

ELECTION OFFICERS, indictment against, 1839.

ELECTIONS, illegal interference with, 1832.

    illegal voting a misdemeanor at common law, 1832 a.

    proof to be the best attainable, 1832 b.

*Illegal Voting.*

    No defence that election was voidable, 1833.

    no merger in perjury, 1834.

    ignorance of disqualification no defence, 1835.

*Indictment against Voter.*

    Indictment must aver election, 1836.

    must specify disability, 1837.

    double voting to be specified, 1838.

    statutory terms must be used, 1838 a.

*Indictment against Officers.*

    Usurpation of office indictable, 1838 b.

    defendants cannot be joined, 1839.

    indictment may be single, 1840.

    fraud or breach of duty must be specially averred and proved, 1841.

    U. S. marshal limited by statute, 1841 a.

    duty must be specified, 1842.

    office to be averred, 1843.

    and so of *scienter*, 1844.

INDEX.

ELECTIONS—(continued).

*Evidence.*

Sufficient to prove officer to be acting as such, 1845.  
where there is discretion, no liability for errors of judgment, 1846.

*Attempt.*

Attempt is at common law indictable, 1847.

*Bribery by Candidates.*

Corruption by candidates indictable, 1848.

*Violence to Voters,* 1848 a.

*Betting at,* 1848 b.

*Laws as to selling liquor near,* 1512 a.

ELOPEMENT, conspiracy to procure, 1361.

EMBEZZLEMENT.

*Against Servants and others appropriating Goods not yet come to their Master.*

Statutes not designed to overlap the common law. Larceny at common law cannot be embezzlement under statute, 1009.  
statutes make it embezzlement for servant or clerk to appropriate master's goods before he receives them, 1010.

employment need not be permanent, 1011.

mere volunteer not within the statute, 1012.

servant employed to change note or sell produce is within statute, 1013.

compensation is requisite to constitute service, 1014.

members of societies or partners not servants within statute, 1015.

goods may be followed through successive reinvestments, 1016.

the "servant" need not be the servant of the prosecutor, 1017.

servant includes employees of all kinds, 1018.

but not those invested with fiduciary discretion, 1019.

middleman is not a servant, 1020.

"clerk" is a person employed to keep accounts and pay over money thereon, 1021.

"agent" is wider in meaning than clerk, 1022.

"virtue of employment" the test in old statutes, 1023.

not necessary that thing embezzled should have been received in direct conformity with employer's directions, 1024.

prosecutor's title not material as against third person, 1025.

no defence that money received was under restricted limit, 1026.

if case is larceny at common law, it is not embezzlement, e. g., where goods are taken after reaching master, 1027.

embezzlement covers only cases which common law larceny does not include, 1028.

diverging views in New York, 1029.

fraud is to be inferred from facts, 1030.

no defence that money was received from another servant, 1031.

goods must have been received on account of master, 1032.

goods must not belong to the defendant, 1033.

INDEX.

EMBEZZLEMENT—(continued).

middleman may be prosecutor, 1034.

corporation may be prosecutor, but not illegal corporation, 1035.  
no defence that a worthless security was given in place of that embezzled, 1036.

conversion of produce enough, 1037.

no defence that principals have no title to money, 1038.

no defence that a trap was laid for the defendant, 1039.

defendant may be tried in any place of embezzlement, 1040.

embezzlements created by federal statutes must be tried in federal courts, 1041.

simultaneous embezzlements may be joined, 1042.

fiduciary relations must be averred, 1043.

goods embezzled must be accurately stated, 1044.

when a felony, term "feloniously" and other distinctive terms must be used, 1045.

servant of joint masters may be averred to be servant of either, 1046.

embezzlement may be joined with larceny, 1047.

bill of particulars may be required, 1048.

*Against Trustees, Bailees, Agents, and others appropriating Goods received bond fide.*

Statute covers cases of trustees or agents fraudulently appropriating goods received *bond fide* for principal, 1049.

if case is larceny at common law, prosecution fails, 1050.

"officer" may be a *nomen generalissimum*, 1051.

"trustee" is one holding property for another, 1052.

fraud to be inferred from circumstances, 1053.

copartners and members of common society not "agents," 1054.

"bailee" to be used in restricted sense, 1055.

person not capable of contracting may be bailee, 1056.

goods need not have been received from prosecutor, 1057.

conversion must be inconsistent with bailment, 1058.

some act of conversion must be in jurisdiction, 1059.

indictment must conform to statute, 1060.

special conditions of particular statutes must be satisfied, 1061.

at common law indictment for larceny is not enough, 1062.

evidence inferential, 1062 a.

*Public Officers.*

Embezzlement by, a statutory offence, 1063.

*Receiving Embezzled Goods.*

Indictable at common law, 1064.

EMBRACERY (see BRIBERY), 1858.

EMPLOYÉ, embezzlement by (see EMBEZZLEMENT).

EMPLOYÉS, conspiracies by, 1866.

ENDEAVOR TO REVOLT, 1878.

ENDEAVORS (see ATTEMPTS).

INDEX.

ENEMIES, killing of, when not in war, is murder, 310.  
adhering to, when treason, 1790-1801 (see BELLIGERENTS, TREASON).  
ENGINEERS on railroads, responsible for homicide, 387.  
ENGLISH COMMON LAW, how far in force in the United States, 15 a, 16.  
not a basis of jurisdiction in federal courts, 253.  
ENGRAVING, may be forgery, 675.  
ENGROSSING, indictable at common law, 1849.  
ENLISTMENT OF MINORS, 267.  
ENTICING, for purposes of prostitution, 1765.  
ENTRY, in burglary (see BURGLARY).  
ENTRY, FORCIBLE (see FORCIBLE ENTRY).  
EPILEPSY, inference from, 64.  
ERASURE, may be forgery, 676.  
ESCAPE, when killing justifiable during, 406.  
ESCAPE, BREACH OF PRISON, AND RESCUE.  
*Against Officer for an Escape.*  
Escape is permitting a prisoner's departure from custody, 1667.  
negligence need not be proved by prosecution, 1668.  
deputy jailers are liable as jailers, 1669.  
jailers need not be *de jure*, 1670.  
indictment must specify offence, 1671.  
*Breach of Prison.*  
Prison breach is a forcible departure from custody, 1672.  
offence extends to escape from civil process, 1673.  
enough if process be regular, 1674.  
custody of any kind is enough, 1675.  
attempt is indictable, 1676.  
law of principal and accessory applies, 1677.  
voluntary escape is indictable, 1678.  
necessity a defence, 1679.  
*Rescue.*  
Rescue is violent delivery of prisoner from custody, 1680.  
ESTRAYS, larceny of, 863.  
ETHER, effects of, as a defence, 66.

INDEX.

EVIDENCE—(continued).  
in forgery, 716, 717.  
in homicide, 311 *et seq.*  
in insanity, 56.  
as to intent, 122.  
of sale of liquor, 1513.  
in libel, 1618 *et seq.*  
in lottery prosecutions, 1467.  
in malicious mischief, 1075.  
in nuisance, 1430, 1451.  
in perjury, 1305.  
in rape, 565.  
in seduction, 1763.  
in treason, 1807.  
fabrication of, 1334.  
constitutionality of laws changing rules of, 31.  
EVIL INTENT (see MALICE), 106.  
EXAMPLE, how far the object of punishment, 7.  
EXCUSABLE HOMICIDE, meaning of, 306, 510.  
EXCUSE AND JUSTIFICATION.  
*Repulsion of Felonious Assault.*  
Force of defence to be proportioned to force of attack, 484.  
conflict provoked by defendant is no defence, 485.  
but where defendant withdraws from such conflict then his right of self-defence revives, 486.  
retreat is necessary when practicable, 486 a.  
attack cannot be anticipated when the law can be resorted to, 487.  
otherwise when there is no organized government, 487 a.  
whether the danger is apparent is to be determined from the defendant's stand-point, 488.  
impracticable to take ideal "reasonable man" as a standard, 489.  
analogy from cases of interference in other's conflicts, 490.  
on principle, the test is the defendant's honest belief, 491.  
but although the defendant believes he is in danger of life, he is guilty of manslaughter if this belief is imputable to his negligence, 492.  
apparent attack, to be an excuse, must have actually begun, and must be violent, 493.  
right may be exercised by servants and friends, 494.  
*Prevention of Felony*, 495.  
*Bonâ fide* non-negligent belief that a felony is about to be perpetrated excuses homicide in its prevention, 495.  
right cannot usually be exercised when there is an opportunity to secure offender's arrest, 496.  
if felonious attempt is abandoned and offender escapes, killing him without warrant in pursuit is murder, 497.

INDEX.

**EXCUSE AND JUSTIFICATION**—(continued).

no killing is excusable if the crime resisted could be prevented by less violent action, 498.  
felonies and riots may be thus prevented, 499.  
trespass no excuse for killing trespasser, 500.  
owner may resist violent removal of property, or attack upon his rights, but not attack on his honor, 501.

**EXECUTION OF LAWS**, 508.

killing under mandate of law justifiable, 508.

**EXECUTIONER**, duties confined strictly by law, 139.

**EXPERT TESTIMONY**, effect of in insanity, 56.

**EXPLOSIVE COMPOUNDS**, keeping, when indictable, 1441.

selling, ignorance no defence, 88.

**EX POST FACTO LAWS**, operation of, 28.

**EXPOSURE OF CHILD**, indictability for, 56, 331, 359, 448, 1563.

**EXPOSURE OF OTHRS**, when imputable, 156, 1563.

**EXPOSURE OF PERSON**.

Indecent exposure of person a nuisance, 1468.

publicity must be averred, 1469.

place must be open to public, 1470.

intent to be inferred, 1471.

to be a nuisance there must be witnesses, 1472.

**"EXPRESS MALICE,"** character of, 118.

**EXTORTION**, by public officer, indictable, 1574.

conspiracy to commit, 1379.

by threats, 851, 1664.

**EXTRANEOUS MOTIVES**, no defence, 119.

**EXTRA-TERRITORIAL JURISDICTION** over citizens and other, 271 *et seq.*

**EXTRA-TERRITORIAL PERJURY**, when indictable, 1264.

**FABRICATION OF EVIDENCE**, 1334.

**FACT**, mistake of, when a defence, 87, 88.

**FALSE ACCUSATION**, conspiracy to make, 1376.

threats of, 851, 1664.

**FALSE AFFIDAVITS**, when perjury, 1269.

**FALSE CLAIM** on government, 1164 *a.*

**FALSE DICE**, cheating by (see CHEATS).

**FALSE ENTRIES**, forging (see FORGERY).

**FALSE IMPRISONMENT**, an assault, 609.

an element in abduction, 591.

**FALSE MEASURE**, cheats by (see CHEATS).

**FALSE NEWS**, cheating by, 1121, 1442.

circulators of, when indictable, 1448.

**FALSE NOTES**, cheating by, 1123.

**FALSE PERSONATION**, when a cheat at common law, 1124.

when constituting larceny, 888.

INDEX.

**FALSE PERSONATION**—(continued).

false pretence as to, 1143 *et seq.*, 1152.

**FALSE PRETENCES**.

*General Rules of Construction.*

Statutes are to be construed in accordance with object, 1180.

*Character of the Pretences.*

Pretence that defendant was a person of wealth and credit is within statute, 1135.

and so that defendant possessed certain specified assets, 1136.

so when negotiable paper is obtained, 1137.

and so when indorsement is obtained, 1138.

so generally as to defendant's *status*, 1139.

so as to pretension to supernatural power, 1140.

so as to pretence that defendant had delivered certain goods, or paid certain money, 1141.

that defendant was sent for certain goods, 1142.

of being a certain physician, 1143.

that defendant represented a principal of means, or influence, 1144.

that defendant was an auctioneer in search of a clerk, or a store-keeper, 1145.

that defendant was a certain attorney, 1146.

that defendant was a certain payee, 1147.

that defendant was unmarried, 1148.

that defendant had certain legal rights, 1149.

that defendant had claims against prosecutor, 1150.

that defendant could settle a prosecution against prosecutor, 1151.

that defendant was an "Oxford student," or "clergyman," or "officer," 1152.

false begging letters may be within statute, 1153.

a false pretence is to be distinguished from a puff, 1154.

mere exaggerated praise is not a false pretence, 1155.

but otherwise as to false sample, 1156.

opinions are not always pretences, 1157.

but use of false brand is within statute, 1158.

and so of statement as to specific weight, 1159.

and so of statement as to property offered for loan or sale, 1160.

and so of false warranty, 1161.

and so of negotiating worthless or spurious paper, 1162.

and so of uttering post-dated check, 1163.

obtaining money by forged paper not larceny but false pretences, 1164.

false claim on government, 1164 *a.*

*Falsity of the Pretences.*

Only strong probability of falsity need be shown, 1165.

burden of negative is on prosecution, 1166.

pretence must be squarely negatived, 1167.

sufficient to disprove one pretence, 1168.

INDEX.

**FALSE PRETENCES**—(continued).

expecting to pay is no negation, 1169.

*Pretences need not be in Words.*

Conduct is a sufficient pretence, 1170.

*Need not be by Defendant Personally.*

Pretence by one confederate is pretence by all, 1171.

confederacy must be first shown, 1172.

*They must relate to a past or present State of Things.*

Promises or predictions are not false pretences, 1173.

but false pretence is not neutralized by concurrent promise, 1174.

*They must have been the Operative Cause of the Transfer.*

Unless operative not within statute, 1175.

but need not be the sole motive, 1176.

must have been before bargain closed, 1177.

verification by prosecutor may be a defence, 1178.

pretence must operate as direct cause and property must have been transferred, 1179.

no defence that goods were obtained mediate through contract, 1180.

false accounts of payments may be a pretence, 1181.

prosecutor may be witness to prove preponderating influence, 1182.

necessary that prosecutor should have believed the representations, 1183.

*Intent.*

Intent to be inferred from facts, 1184.

to compel payment of debt, 1184.

proof of system admissible, 1184.

purpose to indemnify no defence, 1184.

*Scienter.*

Defendant must be shown to have known falsity of pretences, 1185.

*Prosecutor's Negligence or Misconduct.*

Prosecutor not required to show diligence beyond his opportunities, 1186.

his contributory negligence to be determined by his lights, 1188.

carelessness amounting to consent estops prosecutor, 1189.

trap is no defence, 1190.

that prosecutor made false representations is no bar, 1191.

nor is prosecutor's gross credulity, 1192.

but "brag" and loose talk are not within statute, 1193.

indebtedness of prosecutor to defendant is no defence, 1194.

*Property included in Statutes.*

Negotiable paper within statute, 1195.

thing obtained must be of some value, 1196.

money paid in satisfaction of debt not within statute, 1197.

credit on account will not sustain indictment, 1198.

goods not at the time in existence are within statute, 1199.

actual injury to owner need not be proved, 1200.

goods must not have belonged to defendant, nor the taking under claim of title, 1201.

INDEX.

**FALSE PRETENCES**—(continued).

goods must have been obtained for defendant and under his directions, 1202.

property must pass, not mere use, 1203.

property not larcenous not within statute, 1204.

*Where Offence is triable.*

Place of any overt act may take cognizance, 1206.

principal indictable in place of agent's act, 1207.

doctrine of asportation does not apply, 1208.

*Indictment.*

Several defendants may be joined, 1209.

technical averments are necessary, 1210.

party injured must be described as in larceny, 1211.

pretence to agent is pretence to principal, 1212.

pretences must be averred specially, 1213.

substantial variance is fatal, 1214.

in bargains relation of fraud to bargain must appear, 1215.

defendant's allegation of property must be proved as laid, 1216.

spurious bank note need not be set out at large, 1217.

when pretences are divisible only part need be proved, 1218.

verbal accuracy not required, 1219.

innuendoes and definitions proper when explanation is required, 1220.

description of property to be as in larceny, 1221.

property obtained must be individuated, 1222.

owner must be stated, 1223.

pretences must be negatived, 1224.

scienter must be averred, 1225.

intent to defraud must in some way appear, 1226.

obtaining "by means" of pretence must be averred, 1227.

varying accounts may be joined, 1228.

*Attempts.*

By statute conviction may be had of attempt under indictment for complete offence, 1229.

conviction may be had irrespective of prosecutor's prudence, 1230.

may be attempt when only credit is obtained, 1231.

question of attempt is for jury, 1232.

general character of instrument must be designated, 1233.

means of attempt must be averred, 1234.

*Receiving Goods obtained by False Pretences.*

Receiving goods so obtained is indictable, 1235.

conspiracy to commit, 1347.

**FALSE SAMPLES**, cheating by, 1156.

**FALSE STATEMENTS**, conspiracy to disseminate, 1374.

**FALSE SWEARING**, indictable at common law, 1244.

**FALSE TOKEN**, cheating by, 1117, 1118.

**FALSE WARRANTY**, cheating by, 1161.

INDEX.

FALSE WEIGHTS, cheating by, 1118, 1119.

FALSIFICATION OF EVIDENCE, 1834.

FARO-TABLES, when nuisances, 1465.

FATHER, may correct child, 631, 1563.

liable for misconduct to child, 1563.

indictable for negligent homicide of child, 831, 835, 859.

FEAR, how far affecting causation, 168.

when necessary to robbery, 850.

vitiates consent, 145.

FEDERAL COURTS.

*Judicial Powers settled.*

Summary of federal judicial powers given by Constitution, 252.

prevalent view is that federal judiciary has no common law criminal jurisdiction, 253.

conflict of early rulings on this topic, 254.

rulings do not shut out common law as a standard of interpretation, 255.

conclusion is that no jurisdiction is given of exclusively common law offences, 256.

statutory jurisdiction of federal courts, 257.

includes offences against law of nations, 258.

also offences against federal sovereignty, 259.

also offences against individuals on federal soil or on ships, 260.

also offences against property of federal government, 261.

also against public federal justice, 262.

have no common law powers, 253.

powers of, as to *habeas corpus*, 267, 268.

FEDERAL LAWS, conspiracy to commit offences against, 1356 a.

FEDERAL MARSHALS, interference in elections, 1841 a.

FEDERAL OFFENCES, when fixed by statute, 258-261.

FEDERAL STATUTE.

On conspiracy, 1356.

As to embezzlement see *EMBEZZLEMENT*.

FELO DE SE (see *SUICIDE*), 1041.

FELONIOUS INTENT.

Intent to kill essential to indictments for assaults with intent to murder, 641.

defendant may be convicted of assault, 641 a.

there must be apparent ability to consummate attempt, 642.

touching not necessary to offence, 643.

in indictment particularity of specification is not required, 644.

right of self-defence same as in homicide, 645.

indictment for shooting with intent to kill must conform to statute, 645 a.

FELONY, character of, 21, 22.

felonies are crimes subject to forfeiture, 22.

"infamy" is that which impressed a moral taint, 22 a.

misdemeanors include offences lower than felonies, 23.

INDEX.

FELONY—(*continued*).

compounding, when indictable, 1559.

conspiracy to commit, 1842.

intent to commit, how far imputable to homicide, 320.

repulsion of, justification in murder, 484, 495.

merger in (see *MERGER*).

FEME COVERTS.

Indictment not bad on its face when against wife alone, 75.

and so as to indictments against husband and wife jointly, 76.

wife's misnomer must be pleaded in abatement, 77.

wife presumed to be acting under her husband's coercion when co-operating in crime, 78.

presumption is rebuttable, 79.

for offences distinctively imputable to husband he is primarily indictable, 80.

for offences distinctively imputable to wife she is primarily indictable, 81.

in riot and conspiracy there must be others beside husband and wife, 82.

distinctive view as to accessories (see *MARRIED WOMEN*), 83.

FENCE, malicious injury to (see *MALICIOUS MISCHIEF*).

FERAE NATURAE, animals not subjects of larceny, 869.

FERRETS, not subjects of larceny, 872.

FERRY, when a nuisance to river, 1478.

FICTITIOUS NAME, forgery by (see *FORGERY*).

FIDUCIARY RELATIONS, when essential to embezzlement, 1019.

FIGHTING (see *AFFRAY, DUEL, HOMICIDE*).

FINDER OF ARTICLES, when guilty of larceny, 901-910.

FIRE-ARMS, negligent use of, indictability for (see *HOMICIDE*), 344.

FIRST DEGREE, murder in, 376 *et seq.*

FISH, not subjects of larceny, 869.

FISH, OBSTRUCTING, when a nuisance, 1480.

FIXTURES, not subjects of larceny, 864-7.

FLESH of animals, when subjects of larceny, 874.

FLIGHT, when proof of embezzlement, 1030.

not necessary to self-defence, 99.

FETICIDE, an offence at common law, 592.

FOOD, UNWHOLESMOME, selling is indictable, 1434.

FOOT-BALL, when a lawful game, 1465 a.

FOOT-RACING, a lawful game, 1465 a.

FORCE, how far vitiating consent, 149.

repulsion of, as excuse for murder, 484.

when necessary to robbery, 850.

FORCIBLE ENTRY AND DETAINER.

*Character of Offence.*

Forcible exclusion of another from his lands and tenements is an offence at common law, 1083.

modification of common law by statutes, 1084.

gist of offence is the violence, 1085.

INDEX.

**FORCIBLE ENTRY AND DETAINER**—(continued).

statutory offence requires less force than common law, but either freehold or leasehold title, 1086.  
any person forcibly putting another out of possession is indictable, 1087.  
wife may be so indicted against her husband, 1088.  
so as to tenant in common ejecting his companion, 1089.  
so as to third person dispossessing officer of law, 1090.  
real estate, corporeal or incorporeal, may be thus protected, 1091.  
to forcible trespass on personality force is essential, 1092.  
and so to forcible entry, 1093.  
force may be inferred from facts, 1094.  
rule does not apply to outhouses, 1095.  
entry by trick is not forcible, 1096.  
peaceable entry may be followed by forcible detainer, 1097.  
forcible continuance may be forcible entry, 1098.  
when there is right of entry, violence is essential to offence, 1099.  
tenant at will cannot be expelled by force, 1100.  
owner may forcibly enter as against intruder, 1101.  
legal right to enter is essential to writ of restitution, 1102.  
forcible detainer to be inferred from facts, 1103.  
at common law possession is necessary to prosecution, 1104.  
title is not at issue, 1105.  
prosecutor may prove force, 1106.  
conspiracy to effect, 1350.

*Indictment.*

Indictment must contain technical terms, 1107.  
for common law offence, possession only need be averred, 1108.  
possession must be described as in ejectment, 1109.  
entry and detainer are divisible, 1110.  
title is necessary to restitution, 1111.  
indictment for forcible trespass must aver violence, 1112.  
practice to sustain summary convictions, 1113.

**FORCING SEAMEN** on shore, 1886.

**FOREIGN AMBASSADORS**, not subjects of indictment, 282.  
assaults on, 1899.

**FOREIGN JURISDICTION** of consuls, 273.

**FOREIGN LANDS**, jurisdiction over, 284 *et seq.*

**FOREIGN LANGUAGE**, when to be translated, 729.

**FOREIGN MINISTERS** (see **MINISTERS**), 282, 1899.

**FOREIGN PERJURY**, when indictable, 1264.

**FOREIGN POWERS**, libels on, 1612 *a*.

**FOREIGN PRINCIPALS**, when responsible, 278.

**FOREIGNERS**, when indictable in country of arrest, 281–2.

jurisdiction over, 269 *et seq.*

extra-territorial offences against our rights may be intra-territorially indictable, 284.

INDEX.

**FOREIGNERS**—(continued).

jurisdiction claimed in cases of perjury and forgery before consuls, 285.  
punishment in such cases, 286.

**FOREIGN STATES, BREACH OF NEUTRALITY AS TO.**

Indictability not convertible with national duty, 1901.  
sympathy not participation, 1902.  
not indictable to furnish belligerent with munitions of war, 1903.  
otherwise as to recruiting, 1904.  
and so of fitting out and arming cruiser, 1905.  
and so of lending money for belligerent purposes, 1906.  
and so of furnishing coal from a constant base of naval supply, 1907.  
punishment, but not extradition of offender, may be demanded, 1908.

**FOREIGN STATES**, libels on, 1612 *a*, 1900.

**FORESTALLING, REGRATING, AND ENgrossing.**

By the Roman law, offences are made penal, 1849.  
and so by statute 5 & 6 Edw. VI. 1850.  
at common law indictable to oppress community by absorbing staple, 1851.

**FORGED MONEY**, possession of, 720, 748.

**FORGED PAPER**, when a false pretence, 1164.

**FORGERY.**

*Definition.*

Forgery is the false making of a valuable document with intent to defraud, 653.  
is a misdemeanor at common law, and as such cognizable in State courts, 654.

conspiracy to commit, 1857.

*Modes of Perpetration.*

All concerned in are principals, 655.

partner may be guilty of against partner, 656.

party signing his name when such name is another's may be guilty of forgery, 657.

otherwise when names are slightly variant, 658.

forgery to sign under an assumed name, 659.

forgery to sign name of non-existent person, 660.

forgery to alter writer's name when effect is to defraud, 661.

and so to falsely alter one's own executed deed, 662.

fraudulently executing deed with a false date may be forgery, 663.

forgery to make false entry in pass-book, 664.

so as to entries in book settlements, 665.

so as to books of original entry, 666.

so when clerk makes false entries in book he is employed to keep, 667.

signing another's name without authority is forgery, 668.

agent having *bond fide* belief that he is authorized to sign is not guilty of forgery, 669.

fraudulently using a man of straw as acceptor to charge a responsible person of the same name is forgery, 670.

INDEX.

**FORGERY**—(continued).

forgery to fill up blank with terms other than authorized, 671.  
so to fill up without authority check already signed, 672.  
so for an agent fraudulently to alter terms he was employed to write, 673.  
but it is not forgery fraudulently to induce another to sign a document, 674.  
forgery may be by writing, printing, or engraving, 675.  
an erasure may be a forgery, 676.  
and so of mutilation, 677.  
an addition must be specifically pleaded, 678.  
false personation is not forgery, 679.

*What Instruments are the Objects of Forgery.*

Necessary that instrument should support a *prima facie* case, 680.  
but instrument need not be in writing or in words, 681.  
bonds, deeds, commercial paper, receipts, orders, "other writing," 682.  
judicial or political records, 683.  
book entries, 684.  
railway and other tickets, 685.  
false making of another's signature to a statement exposing the latter to suit is forgery, 686.  
so of certificates of character, 687.  
but not, it seems, of pictures, 688.  
certificate as to negotiable paper is forgery, 689.  
so of trade-marks or labels when party issuing is liable to action for deceit, 690.  
instrument must be capable, if genuine, of being proof in legal process, 691.  
but such process need not be against the party whose name is forged, 692.  
nor need the party injured have a local legal existence, 693.  
nor need there be any immediate personal injury, 694.  
nor need the instrument be more than *prima facie* proof, 695.  
but an instrument that in no possible case can be sued on cannot be the object of forgery, 696.  
defects as to seals, stamps, and attestations, may not destroy legal efficacy, 697.  
forgery of void bank note not indictable, though otherwise when the object is to impose upon third person, 698.  
notes of a prohibited denomination may be forged, 699.  
a forged bank note must be such as to support a *prima facie* case, 700.  
fraud on public at large is sufficient to sustain indictment, 701.  
not forgery to induce another to sign his name, 702.

*Uttering.*

Uttering and publishing is knowingly passing an instrument as good, 703.  
uttering forged notes is indictable at common law, 704.  
to uttering an intent to defraud is necessary, 705.  
uttering may be inferentially proved, 706.  
no defence that instrument was obtained by a trap, 707.  
but there must be an exhibition of the instrument *lucr i causa*, 708.

INDEX.

**FORGERY**—(continued).

so of capacity to injure, 709.  
when offence is felony, parties counselling are accessories before the fact, 710.  
venue is place where forged instrument was passed, 711.  
uttering is an independent offence, 712.  
intent to defraud to be inferred from facts, 713.  
no defence that there was no party at the time to be defrauded, 714.  
*scienter* may be proved by other forgeries and utterings, 715.

*Proof of Charter of Bank.*

When bank is defrauded, existence of bank must be proved or judicially noticed, 716.

*Intention.*

Intention to defraud necessary to offence, 717.  
no defence that the party intended no harm, or that the claim was just, 718.

*Handwriting.* 719.

*Having Counterfeit Money in Possession.*

Having counterfeit money in possession with intent to defraud is a statutory offence, 720.  
indictment in such case must describe as in forgery, 721.  
*scienter* in such case is material, 722.  
intent to be inferred, 723.  
having in possession several kinds of notes is one offence, 724.

*Inferences of Forgery from Extrinsic Facts.*

Collateral mechanical evidence of forgery, 725.  
presumption of forgery from uttering, 726.

*Indictment in Forgery and Uttering.*

Not duplicity to state the offence in varying phases, 727.  
variance as to general designation of instrument fatal, 728.  
instrument must be accurately set forth, 728 a.  
of a foreign language translation must be given, 729.  
setting forth of non-producible instruments may be excused, 730.  
vignettes and mottoes need not be given, 731.  
nor stamps, 732.  
endorsements need not be given, nor surplusage, 733.  
otherwise as to dates, 734.  
altered and inserted words, when material, must be averred, 735.  
sewing to indictment is not sufficient, 736.  
"tenor," means words; "purport," character, 737.  
"purporting to be" not essential, 738.  
indictment must show instrument to be capable of being used in legal process, 739.  
must aver extraneous facts when necessary for this purpose, 740.  
in setting forth charters of banks indictments must conform to statute, 741.

INDEX.

**FORGERY**—(continued).

intent to defraud must be specially averred and so of *scienter*, 742.  
possibility of fraud is enough to sustain averment, 743.  
party to be defrauded must be specified, 743 a.  
when notes of fictitious bank are forged, party on whom notes are passed  
should be averred, 744.

actual damage need not be averred or proved, 745.  
not always necessary to aver person on whom paper is passed, 746.  
place of uttering may be laid as place of forgery, 747.

*Coining.*

State courts take jurisdiction of, 748.  
counterfeit must be likely to deceive, 749.  
all participants are principals, 750.  
general description of coin is enough, 751.  
offering with intent to defraud is uttering, 752.  
guilty knowledge is to be inferred from facts, 753.  
existence of genuine original need not be proved, 754.  
fraudulent diminution is coining, 755.

**FORGERY ABROAD**, jurisdiction over, 276, 285.

**FORNICATION**, living in, 1747.

*Nature of Offence.*

Fornication not a misdemeanor at common law, 1741.

*Indictment.*

Indictment must conform to statute, 1742.

*Evidence.*

Facts of case must be made out, 1744.

*Verdict.*

May be conviction of, under indictment for adultery, 1745.  
if rape be proved, offence merges, 1746.

**FORTS**, offences in, jurisdiction of, 260.

**FORTUNE-TELLER**, when guilty of larceny, 964. See 1140.

**FOWLS**, when the subject of larceny, 871.

**FRANCHISE, ELECTIVE**, tampering with, 1832.

**FRAUD** (see **MALICE**), 106.

how distinguishable from malice, 124.  
vitiates consent, 146, 150.  
by public officer, indictable, 1572 a.  
possibility of, sufficient in forgery, 653, 694, 743.  
in election, indictable, 1839 *et seq.*

**FRAUDULENT INSOLVENCY.**

*Fraudulent Conveyances.*

Under statute Eliz. making fraudulent conveyances is indictable, 1238.

*Secreting Goods.*

Secreting goods made indictable by recent statutes, 1239.  
secreting or assigning must be actual, 1240.

INDEX.

**FRAUDULENT INSOLVENCY**—(continued).

intent or *scienter* must be shown, 1241.  
**FREEDOM OF AGENCY**, essential to causation, 154.  
**FRIEND** may interpose to defend friend, 494, 505.  
**FRIGHT**, how far modifying causation, 168.  
**FRUIT**, when subject of larceny, 868.

**GAMBLING** see (**GAMING**), a statutory offence, 1465 b.

**GAMES**, death through, 371–3.

public, policy of, 1461.  
scandalous or disorderly games are indictable, 1461.  
so of bowling-alleys when disorderly, 1462.  
so of billiard rooms, 1463.  
so of public spectacles, 1464.

**GAMING**, when public may be indictable, 1465.  
gaming is staking on chance, 1465 a.  
made indictable by statute, 1465 b.  
also by whatever excites disturbance, 1465 c.  
also when involving minors, 1465 d.  
in pleading statutory requisites must be followed, 1466.  
ignorance no defence, 88.

**GAMING-HOUSES**, when nuisances, 1465.

**GAMING MATERIALS**, may be subjects of larceny, 882 a.

**GAS**, may be subject of larceny, 863, 981.  
when a nuisance, 1414.

**GENERAL MALICE**, character of, 112.  
when imputable, 120, 319, 320.

**GENEVA AWARD**, discussion of, 1903, 1905.

**GOLD ORE**, may be subject of larceny, 865.

**GOOD INTENT**, when collateral, no defence, 119.

**GOODS**, stealing (see **CHEATS, EMBEZZLEMENT, LARCENY**).  
secreting, 1240.

**GOVERNMENT**, attack on, when treason (see **TREASON**), 1794 *et seq.*  
conspiracy to corrupt, 1875.

**GRAND JURY**, perjury before, 1260.

**GRAVE CLOTHES**, may be subjects of larceny, 863, 987.

**GRAVE YARD**, may be protected from intruders, 626.

**GRAVES**, violation of, 1432 a.

**GRUDGE**, presumption of, in homicide, 477.

**GUARDIANS**, indictable for neglect, 1585.

**GUARDIANSHIP**, responsibility attached to, 361.

**GUilty KNOWLEDGE**, inference of in receiving (see **IGNORANCE**), 983.

**GUNPOWER** (see **Powder**), when a nuisance, 1412, 1441.

**GUNPOWDER FACTORIES**, when a nuisance, 1413, 1441.

INDEX.

GUNS, homicide through negligent use of, 344.  
GYPSY, false pretence by, 1140. See 964.

HABEAS CORPUS, conflicts of jurisdiction as to, 267.  
HANDWRITING (see FORGERY).  
HARBORS, OBSTRUCTING, indictable, 1477.  
HARES, not subjects of larceny, 869.  
HEALTH, offences to, indictable, 1433.  
whatever is likely to generate disease may be a nuisance, 1433.  
as in case of exposure of putrid or infectious food or drink, 1434.  
but mere unwholesomeness is not sufficient, 1435.  
communication of diseases, when indictable, 1436.

HEGEL, his view of punishment, 13, n.

HELPLESS PERSONS, ill-treatment of, 1563.  
HEREDITY, evidence of insanity, 65.  
HIGH SEAS, jurisdiction of, 260-1, 270, 1860 *et seq.*  
piracy on, 1860.

HIGHWAYS, OBSTRUCTING.

Obstructing road on which public has right of way is indictable, 1473.  
whatever interferes with travel is an obstruction, 1474.  
prescription is no defence, 1475.  
unlicensed or excessive obstruction by railroad may be indictable, 1476.  
nuisance to obstruct navigable river or lake, 1477.  
collateral benefit no defence, 1478.  
not necessary that tide should flow, 1479.  
indictment may lie for obstructing fish, 1480.  
wharf may be a nuisance, 1481.  
and so may docks, 1482.  
and so may oyster-beds, 1483.  
license no defence to negligent obstruction, 1484.  
neglect in repairing roads may be indictable, 1485.  
indictment must aver duty, 1486.  
court may compel repair by fine, 1487.  
repairing, 1584 a.

HIRER, when guilty of larceny, 964.

HOGS, in a city, a nuisance, 1412.

HOLY SCRIPTURES, when reviling, indictable, 1431, 1443, 1605.

HOME, may be defended by force, 1549.

homicide in defence of, 465, 502, 506-7.

HOMICIDE.

*Definitions.*

Murder is killing with malice aforethought, 303.  
voluntary manslaughter is intentional killing in hot blood, 304.  
involuntary manslaughter is negligent killing, 305.  
excusable homicide is either non-negligent, non-malicious killing, or killing in self-defence or necessity, 306.

INDEX.

HOMICIDE—(*continued*).

justifiable homicide is homicide in discharge of a duty, 307.  
in verdict there is no distinction between excusable and justifiable homicide, 308.

*Certain Requisites of Homicide in general.*

Deceased must have been living at mortal blow, 309.  
death must be imputable to defendant's act, 309 a.  
accelerating death of dying is homicide, 309 b.  
the homicide must not have been in legitimate public war, 310.  
there must be proof of *corpus delicti*, 311.  
death must have been within a year and a day, 312.  
malice is to be inferred from circumstances, 313.  
when there is deliberate, unlawful killing, malice is inferred, 314.  
if intent be only to inflict a slight offence, killing is but manslaughter, 315.  
killing when intending to produce miscarriage is murder, 316.  
when unintended person has been killed by mistake, it has been ruled that offence is the same as if intended person had been killed, 317.  
objections to this view, 318.  
malice to a class covers malice to an individual, 319.  
by older writers killing with intent to commit collateral felony is murder, 320.  
this conclusion is incompatible with reason, 321.  
proper course is to indict for attempt and for manslaughter, 322.  
unintentional homicide incidental to an unlawful act is manslaughter, 323.  
so in respect to assaults, 324.  
so in respect to miscarriages, 325.  
so as to riots, 326.  
so as to illicit intercourse, 327.  
so as to suicide, 328.

*Negligent Homicide.*

Omission in discharge of lawful duty is indictable, 329.  
omission to perform acts of charity not indictable, 330.  
otherwise as to lawful duties: father and child, 331.  
husband and wife, 332.  
keepers, jailers, etc., 333.  
incapacity a defence, 334.  
so is capacity on part of person neglected, 335.  
conscientious opinion as to duty when a defence, 336.  
engineers and other officers liable for omissions, 337.  
so of persons employed to give warning as to danger, 338.  
no indictment lies for failure in discretionary duty, 339.  
must be causal connection between the negligence and the injury; contributory negligence, 340.  
master liable for servant, 341.  
no defence that business was lawful, 342.  
negligent use of dangerous agencies indictable, 343.

INDEX.

HOMICIDE—(continued).

firearms and powder, 344.  
poison, 345.  
intoxicating liquors, 347.  
officers of railroads liable for death ensuing from their want of care, 348.  
when there is duty there is liability, 349.  
but duty must be specific, 350.  
killing by negligently dropping articles is manslaughter, 351.  
liability of steamboat officers, 352.  
death produced by careless driving is manslaughter, 353.  
rapidity which puts horse out of control is negligence, 354.  
care to be that of prudent drivers, 355.  
all concerned liable as principals, 356.  
letting loose noxious animals, 357.  
killing of helpless person by negligent act is manslaughter, 358.  
death of child by parent's negligent act is manslaughter, 359.  
so as to master and apprentice and master and servant, 360.  
so of jailers and other guardians, 361.  
physicians responsible for lack of ordinary diligence and skill, 362.  
not responsible if patient were direct cause of injury, 363.  
no difference between licensed and unlicensed practitioner, 364.  
culpable ignorance imposes liability, 365.  
careless or ignorant use of dangerous agencies is negligence, 366.  
gratuitousness does not affect case, 367.  
apothecaries and chemists liable on same principles, 368.  
by persons running machinery care must be exercised in proportion to danger, 369.  
so when death is caused by negligent desertion of post, 370.

Killing in Athletic Sports.

Prize-fighters liable for manslaughter in cases of non-malicious killing, 371.  
and so of participants in unlawful sports, 372.  
but not so in lawful athletic sports, 373.  
in practical jokes responsibility attaches, 373 a.

Correction by Persons in Authority.

Killing by undue correction is manslaughter, 374.

Statutory Distinctions.

Old English law indifferent to grades of guilt, 375.  
analysis of statutes, 376.

Pennsylvania and cognate statutes leave distinction between murder and manslaughter untouched, making specific intent to take life the peculiar feature of murder in first degree, 377.  
“wilful” means specifically willed, 378.

“deliberate” to be regarded as qualifying “killing,” 379.

“premeditated” an essential incident, 380.

facts from which premeditation may be inferred, 381.

killing B. when intent was to kill C. is murder in first degree, 382.

INDEX.

HOMICIDE—(continued).

grade of homicide when the individual killed is one of a group generally attacked is determined by the general intent, 383.  
killing in perpetration of enumerated felonies not necessarily murder in the first degree, 384.  
and so of homicide by poison and lying in wait, 385.  
homicide incidental to unenumerated felony is manslaughter, 386.  
under the statutes “attempt” must be a substantive offence, 387.  
murder in second degree includes cases where there was no specific intent to take life, 388.  
murder in drunkenness is murder in second degree, 389.  
killing woman with intent to produce abortion may be murder in second degree, 390.  
murder in second degree a compromise courts unwilling to disturb, 391.  
in cases of doubt presumption is for murder in second degree, 392.  
common law indictment for murder sufficient to sustain either degree, 393.  
verdict should specify degree, 394.

Riotous Homicides.

In cases of killing in war against government for private purposes indictment should be for murder, 395.  
co-rioters principals in riotous killing, 396.  
but not in collateral crimes, 397.  
presence without intent to kill involves manslaughter, 398.  
killing by lynch-law is murder in first degree, 399.  
if there be cooling-time, offence may be murder, 399 a.  
private persons may kill in suppression of riot, 400.

Homicide by Officers of Justice.

Killing in obedience to warrant justifiable, 401.  
and so when necessary to effect an arrest, 402.  
murder for officer intentionally to kill a person flying from civil arrest, 403.

otherwise in respect to felonies, 405.  
killing by officer in prevention of escape in felonies justifiable, 406.  
so when necessary to preserve peace, 407.  
lawful arrest unlawfully executed imposes responsibility, 408.  
legal warrant necessary, 409.  
private persons interfere at their own risk, 410.  
so as to military and naval officers, 411.  
officer in danger of life may take life, 412.

Homicide of Officers of Justice and others aiding them.

Intentional killing of officer lawfully arresting is murder, 413.  
but manslaughter when arrest is illegal, 414.  
constables and policemen have authority to arrest when public order is threatened, 415.  
bailliff's powers limited to arrest, 416.

INDEX.

HOMICIDE—(continued).

officer executing process must be within jurisdiction, 417.  
notice may be inferred from facts, 418.  
if there be no notice, killing in self-protection is not murder, 419.  
warrant must be executed by party named or his assistant, 420.  
warrant continues in force until executed, 421.  
erroneous or blank warrant inoperative, 422.  
falsity of charge no alleviation, 423.  
warrant without seal is void, 424.  
but not so as to informality not amounting to illegality, 425.  
warrant need not be shown, 426.  
arrest on charge of felony unlawful without warrant, 427.  
arrest may be made during offence without warrant, 428.  
for past offences, limited to felonies and breaches of the peace, 429.  
killing of officer arresting on probable felony is murder, 430.  
military and naval officers subject to same rules, 431.  
persons aiding officers entitled to protection of officers, 432.  
so as to private person lawfully arresting independently of officer, 433.  
pursuer must show that felony was committed, etc., 434.  
private person may interfere to prevent crime, 435.  
indictment found, good cause of arrest by private person, 436.  
railway officer may arrest misbehaving passenger, 437.  
arrest for breach of peace illegal without *corpus delicti*, 438.  
in cases of public disorder officers may enter houses to arrest, 439.  
private persons interfering to quell riots should give notice, 440.  
must be reasonable grounds to justify arrest of vagrants, 441.  
time of execution of arrest, 442.  
manslaughter when officers take opposite parts, 443.  
A. aiding B. in resisting is in the same position as B., 444.

*Infanticide.*

When death occurs before child has independent circulation, offence is not homicide; otherwise, when the child is born alive and dies after birth, 445.  
birth a question of fact, 446.  
negligent exposure of children is manslaughter, 447.

*Suicide.*

Surviving principal in suicide indictable for murder, 448.  
at common law no conviction of accessories before the fact, 449.  
killing when assisting in producing abortion, 450.  
consent of deceased no bar to prosecution, 451.  
killing another with his consent to avoid greater evil, 452.  
killing another incidentally to suicide is manslaughter, 453.  
attempt to commit suicide is a misdemeanor, 454.

*Provocation and Hot Blood.*

Lack of self-control essential to offence, 455.

INDEX.

HOMICIDE—(continued).

words of reproach no adequate provocation for an assault with intent to kill, 455 a.  
when person is touched with apparent insolence, then provocation reduces degree, 456.  
interchange of blows induced by insulting words reduces to manslaughter, 457.  
a slighter provocation extenuates when intent is only to chastise, 458.  
husband in hot blood killing adulterer, guilty of manslaughter, 459.  
same principle to be extended in cases of punishment, when in hot blood, of attacks on the chastity of persons under the rightful protection of defendant, 460.  
killing to redress a public wrong is murder, 461.  
a bare trespass on property not an adequate provocation in cases of intentional killing, 462.  
exercise of a legal right no just provocation, 463.  
spring-guns illegal when placed on spots where innocent trespassers may wander, 464.  
for master of house knowingly to kill visitor is murder, 465.  
when such killing is in hot blood it is manslaughter, 466.  
when such killing is in self-defence it is excusable, 467.  
manslaughter to kill master of house expelling defendant with unnecessary violence, 468.  
killing a person having legal right to enter room is murder, 469.  
a blow is sufficient provocation when parties are equal, 470.  
in sudden quarrels immaterial who struck the first blow, 471.  
but the blow must have been apparently intended, and naturally calculated to arouse the passions, 472.  
cool and deliberate use of disparity to kill is murder, 473.  
malice implied from concealed weapon, 474.  
where mortal blow was given after deceased was helpless, offence is murder, 475.  
and so where attack was sought by person killing, 476.  
question of continuance of old grudge is for jury, 477.  
malicious killing in another's quarrel is murder, but killing in hot blood is manslaughter, 478.  
in interference by friends, hot blood extenuates in proportion to the nearness of the relationship, 479.  
cooling time dependent upon circumstances, 480.  
restraint or coercion is adequate provocation, 481.  
killing in duel is murder, 482.  
and this extends to the seconds, 483.

*Excuse and Justification.*

*Repulsion of Felonious Assault*, 484.

Force of defence to be proportioned to force of attack, 484.  
conflict provoked by defendant is no defence, 485.

INDEX.

HOMICIDE—(*continued*).

but where defendant withdraws from such conflict then his right of self-defence revives, 486.  
retreat is necessary when practicable, 486 a.  
prior malice by defendant does not abrogate defence, 486 b.  
attack cannot be anticipated when the law can be resorted to, 487.  
otherwise when there is no organized government, 487 a.  
whether the danger is apparent is to be determined from the defendant's stand-point, 488.  
impracticable to take ideal "reasonable man" as a standard, 489.  
analogy from cases of interference in others' conflicts, 490.  
on principle, the test is the defendant's honest belief, 491.  
but although the defendant believes he is in danger of life, he is guilty of manslaughter if this belief is imputable to his negligence, 492.  
apparent attack, to be an excuse, must have actually begun, and must be violent, 493.  
right extends to relationship of parent and child, husband and wife, servant and master, 494.  
*Prevention of Felony*, 495.  
*Bonâ fide* non-negligent belief that a violent felony is about to be perpetrated excuses homicide in its prevention, 495.  
right cannot usually be exercised when there is an opportunity to secure offender's arrest, 496.  
if felonious attempt is abandoned and offender escapes, killing him without warrant in pursuit is murder, 497.  
no killing is excusable if the crime resisted could be prevented by less violent action, 498.  
felonies and riots may be thus prevented, 499.  
trespass no excuse for killing trespasser, 500.  
owner may resist violent removal of property, or attack upon his rights, but not attack on his honor, 501.  
*Protection of Dwelling-house*, 502.  
A person when attacked in dwelling-house need retreat no further, 502.  
house may be defended by taking life, 503.  
but right is only of self-defence and prevention, 504.  
friends may unite in such a defence, 505.  
right does not excuse killing intruder in house, 506.  
killing by spring-guns, when necessary to exclude burglars, excusable, 507.  
*Execution of Laws*, 508.  
Killing under mandate of law justifiable, 508.  
*Superior Duty*, 509.  
Risk of killing another to be, in extreme cases, preferred to certain death, 500.  
*Necessity*, 510.  
Defence only good when danger is immediate, and when the life of the defendant can only be saved by the sacrifice of the deceased, 510.

INDEX.

HOMICIDE—(*continued*).

self-preservation in shipwreck, 511.  
*Indictment*.  
Venue must aver jurisdiction, 512.  
deceased must be individuated, 512 a.  
avermint of relationship between deceased and defendant when such is necessary, 513.  
when variance as to intent to kill is fatal, 514.  
"in the peace of God," etc., is not a necessary averment, 515.  
deceased must have been living at time of blow, 516.  
"feloniously" and "of malice aforethought" are necessary at common law, 517.  
allegation of assault necessary in violent homicides, 518.  
at common law general character of instrument of death must be correctly given, 519.  
variance in this respect is fatal, 520.  
when death is alleged to have been by compulsion, circumstances must be averred, 521.  
acts of agent or associate may be averred as acts of principal, 522.  
variance in description of poison not fatal, 523.  
*scienter* requisite in poisoning, 524.  
unknown instrument need not be averred, 525.  
when counts are inconsistent, verdict should be taken on good counts, 526.  
value of instrument need not be proved, 527.  
allegation of hand of defendant need not be made, 528.  
avermint of time need not be repeated, 529.  
word "struck" is essential when there has been a blow, 530.  
but not necessary in cases of poisoning, 531.  
general description of place of wound is sufficient, 532.  
term "wound" to be used in a popular sense, 533.  
exactness no longer necessary in description of wound, 534.  
when two mortal wounds are averred, either may be proved, 535.  
death must be averred, 536.  
must have been within a year and a day, 537.  
place of death must be averred, 538.  
omission of "malice aforethought" and "murder" reduces offence to manslaughter, 539.  
varying counts may be joined, 540.  
*Verdict*.  
Conviction or acquittal of manslaughter acquits of murder, 541.  
jury may convict of minor degree, 542.  
verdict must specify degree, 543.  
at common law can be no conviction of assault on indictment for murder, 544.  
in excusable homicide verdict is not guilty, 545.

INDEX.

HOMICIDE—(*continued*).  
may be accessory to murder in second degree, 546.  
when requisite, verdict must designate punishment, 547.  
HOMICIDE ABROAD, jurisdiction over, 277.  
conflicts of jurisdiction as to, 292.  
“HONEST BELIEF,” when a defence to homicide, 491.  
when a defence to indictment generally, 88.  
HONOR, violence not justifiable in defence of, 101.  
HORSE, stealing of (see LARCENY).  
malicious injury to, 1067, 1082 a.  
HORSES, careless driving, homicide through, 353–4–5.  
racing, when indictable, 1467 a, note.  
keeping of not a nuisance, 1412.  
frightening, when a nuisance, 1474.  
HOT BLOOD, in homicide (see HOMICIDE).  
HOUR, when material in burglary (see BURGLARY).  
HOUSE, may be defended by force, 1549.  
may be protected from intruders, 97, 502, 624.  
homicide in defence of, 465, 502, 506–7.  
right of officers to enter, 439.  
larceny in stealing from, 981 c.  
“HOUSE, DISORDERLY,” 1458.  
HOUSE OF ILL-FAME, letting, when indictable, 1459.  
keeping, indictable at common law, 1449, 1458.  
HUMANITARIANISM, as a basis of punishment, 4.  
HUSBAND, may coerce wife, 933.  
indictable for misconduct to wife, 1563–7.  
indictable for negligent homicide of wife, 831.  
may defend wife, 494.  
when justified in killing adulterer, 459.  
HUSBAND AND WIFE, when to be joined in indictment (see MARRIED WOMEN), 75.  
HUSH-MONEY, conspiracy to extort, 1379.  
threats to extort, 851, 1664.  
  
ICE, may be subject of larceny, 863.  
IDIOCY (see INSANITY), 34.  
IGNITION, when necessary to arson, 827.  
IGNORANCE, no defence to official negligence, 333, 1585.  
when defence to selling liquor, 1507.  
when defence to charge of resistance to officer, 649.  
IGNORANCE OF FACT, admissible to negative intent, 87.  
but when *scienter* is irrelevant, ignorance or mistake of fact no defence, 88.  
and so where the fact is one of which the defendant ought to have been cognizant, 89.  
in suits for negligence, party is not required to know facts out of his specialty, 90.

INDEX.

IGNORANCE OF LAW, no defence to an indictment for a violation of law, 84.  
but on indictment for negligence in application of law, non-specialist not chargeable with ignorance of specialty, 85.  
mistake of law admissible to negative evil intent, 85 a.  
statutes not operative until published, 86.  
ILLEGAL ACTS, when ignorance is defence, 88.  
ILLEGITIMATE CHILD, duty of father to, 359.  
ILL-FAME, houses of (see DISORDERLY HOUSE), 1449, 1458, 1459.  
ILLICIT COHABITATION.  
Offence must be continuous and lewd, 1747.  
statutes must be followed in indictment, 1748.  
proof is inferential, 1748 a.  
ILLICIT INTERCOURSE, proof of, 1733, 1744, 1748 a.  
IMMEDIATE INTENT, when imputable, 117.  
IMMORALITY, distinguished from crime, 14 a.  
conspiracies to commit, 1361.  
IMPEACHMENT, the usual mode of reaching executive misconduct, 1571.  
“IMPLIED MALICE,” 113.  
IMPOTENCY, a defence to rape, 552.  
IMPRISON, conspiracy to, 1355.  
IMPRISONMENT, as a provocation, 481.  
cannot be effected by consent, 145.  
IMPULSE, irresistible, as a defence, 43.  
IMPUTABILITY, character of, 33, 88 *et seq.*, 119, 120.  
INADEQUACY OF TEMPTATION, no defence, 120.  
INALIENABLE RIGHTS, cannot be waived, 143.  
INCEST, an offence, at common law, 1749.  
constituents of offence must be made out, 1750.  
question whether offence falls where there is rape, 1751.  
*scienter* is essential, 1752.  
relationship provable by admissions, 1753.  
INCIDENTAL INJURY, when imputable, 119.  
INCIDENTAL RESULTS, how far imputable in homicide, 315.  
INCITING TO OFFENCES (see ATTEMPTS, INSTIGATORS).  
INCORPORATION (see CHARTER).  
INDECENCY, public, a nuisance, 1432.  
INDECENT EXPOSURE OF PERSON, 1468.  
when an assault, 612.  
INDECENT LETTER, mailing, 1831.  
INDECENT LIBELS (see OBSCENITY), 1606.  
INDECENT TREATMENT OF THE DEAD, indictable, 1432 a.  
INDIANA, rule as to common law in, 15 a.  
INDIANS, how far the subjects of criminal prosecution, 282 a.  
INDIAN TRIBES, criminal jurisdiction over, 282 a.  
INDIAN WARFARE, how far a defence to homicide, 310.

INDEX.

INDICTMENT, for assault, 637.  
for burglary (see BURGLARY).  
for forgery, 727.  
for murder in second degree, 393.  
for nuisance, 1427.  
for perjury, 1285 *et seq.*  
for rape, 569 *et seq.*  
for receiving stolen goods, 997.  
for robbery, 857.

INDORSEMENT, fraudulently obtaining (see FALSE PRETENCES).

forgery of (see FORGERY).

INFAMOUS PERSONS, protected by law, 138.

INFAMY, what constitutes (see CRIMES, FELONY).

INFANTICIDE.

When death occurs before child has independent circulation, offence is not homicide; otherwise, when the child is born alive and dies after birth, 445.  
birth a question of fact, 446.

negligent exposure of children is manslaughter (see HOMICIDE), 447.

INFANTS.

Infants under seven not penalty responsible, 67.  
between seven and fourteen infant *capax doli* may be convicted, 68.  
boy under fourteen presumed incapable of rape, 69.  
infant's liability in special cases, 70.  
infant liable for false representations as to age, 71.  
when infant may appear by attorney, 72.  
incapable of consent, 146.  
sales of liquors to, 1507, 1512 b.  
gambling with, 1465 d.

INFECTIOUS DISEASES, communicating, when indictable, 1436.

INFERENCE OF SPECIAL INTENT, when to be made, 120.

INFLAMMABLE COMPOUNDS, when a nuisance, 1441.

INJURY, incidental, when imputable, 119.

not necessary to causation, 168.

unintended, when imputable, 120. See 83, 88.

INN, proprietor of, may expel intruder, 625.

INN-KEEPERS, indictable for neglect, 1587.

rights of, 439, 505-6, 625.

INNOCENT AGENTS, cannot be principals, 207.

INNUENDOES, in libel, 1660.

in false pretences, 1220.

INSANE AGENTS, cannot be principals, 207.

INSANITY.

Old English rulings on insanity no longer authoritative, 32.

irresponsibility to be determined by exclusion rather than by inclusion, 33.

INDEX.

INSANITY—(continued).

*Incapacity to distinguish Right from Wrong.*

Party incapable of determining as to right and wrong is irresponsible, 34.  
“wrong” means moral wrong, 36.

*Insane Delusion.*

Delusion excuses act done *bond fide* and without malice under its effect, 37.

rule applies to all *bond fide* erroneous non-negligent beliefs, 38.  
actual danger not necessary, 39.

delusion must be mental, 40.

partial insanity no defence to crime not its product, 41.  
delusion to exculpate must be non-negligent, 42.

*Irresistible Impulse.*

“Irresistible impulse” to be distinguished from “moral insanity” and from passion, 43.

insane irresistible impulse a defence, 4  
caution requisite as to this defence, 45.

*Moral Insanity.*

Moral insanity is no defence, 46.

*Mental Disturbance as lowering Grade of Guilt.*

Mental disturbance admissible to disprove malice, 47.

*Intoxication.*

Persons under insanity produced by intoxication may be irresponsible, 48.  
voluntary intoxication does not exculpate, 49.

intoxication admissible to determine condition of mind, 51.

especially as to intent to take life, 52.

and so as to other questions of intent, 53.

but not so as to reduce responsibility when malice is shown, 54.

“voluntary” is conditioned by temperament, 55.

*Practice in Cases of Insanity.*

Witnesses may give opinion based on observation, 56.

defence may be taken by friends of accused, 57.

plea may be special, 57 a.

issue to be tried by jury, 58.

insanity after conviction defers execution, 59.

burden is on party disputing sanity, 60.

conflicting theories as to amount of evidence requisite to prove insanity, 61.

insanity to be inferred from conduct, 63.

and from physical peculiarities, 64.

and from hereditary tendency, 65.

in some jurisdictions defence taken by special plea, 65 a.

INSOLVENCY, FRAUDULENT, 1238.

INSTANTANEOUS INTENT, when imputable, 117.

INSTIGATORS, responsible for crime, 225, 233-4.

combination of, 225 a.

guilt of, 230.

INDEX.

INSTIGATORS—(continued).

commanding and counselling constitute accessoryship before the fact, 225.  
several instigators may be combined, 225 a.  
must be causal connection, 226.  
silent acquiescence is not counselling, 227.  
countermanded advice does not implicate, 228.  
accessory not liable for collateral crime, 229.  
relative guilt of accessory and principal, 230.  
assistance must be rendered knowingly and really, 231.  
may be accessory before the fact to manslaughter, 232.  
accessory before the fact need not be originator, 233.  
quantity of aid immaterial, 234.  
conditions of time immaterial, 235.  
grade of guilt not necessarily the same, 236.  
conviction of principal no longer a prerequisite, 237.  
indictment must particularize offence, 238.  
verdict must specify grade, 239.  
attempts, 240.

INSTRUMENT, inference from in determining degree of murder, 315, 381.

INSTRUMENT OF DEATH, how to be averred, 519.

inference from (see WEAPON), 315-7-8, 320, 381.

INSURERS, burning houses with intent, 843.

destroying vessels with intent to defraud, 1894.

INSURGENT BELLIGERENTS, how far subjects of penal discipline, 283.

INSURGENTS, indictable, though foreigners, 282.

INTENT.

Malice is evil intent, and is convertible with *dolus*, 106.  
to *dolus*, will, object, and causation are essential, 107.  
sufficient if party charged contemplated result as a contingency, 108.  
*dolus* classified as *determinatus* and *alternativus*, 109.  
*dolus determinatus* is where a single object is persistently pursued, 110.  
*dolus alternativus* is where the purpose is capable of alternate realization, 111.

in English law "malice" may be general or special, 112.

fallacy of distinction between malice express and implied, 113.

malice presumed to be continuous, 114.

but duration to be inferred from facts, 115.

premeditation requires no fixed period, 116.

intent at time of action enough, 117.

malice does not require physical contact, 117 a.

in cases of doubt, verdict is taken for the lower degree, 118.

intent to be distinguished from motive; combination of motives no defence, 119.

unintended injury derives its character from purpose to which it is incidental, 120.

motive need not be proportionate to heinousness of crime, 121.

INDEX.

INTENT—(continued).

malice inferable from facts, 122.

consciousness of unlawfulness not essential, 123.

does not constitute attempt, 174.

may be negatived by ignorance of fact, 87.

in burglary (see BURGLARY).

proof of, in false pretences, 1184, 1220.

in forgery, proof of, 717.

how affected by mental disturbance, 47, 52, 53.

to ravish, assault with, 576.

necessary to larceny, 883.

not necessary to nuisance, 1420-1.

not necessary in negligence (see NEGLIGENCE), 90.

INTENT, COLLATERAL, how far imputable, 319, 320.

no defence, 119.

INTERMENT, neglect of, indictable, 1482 a.

INTERNATIONAL JURISDICTION, limits of, 284-8.

INTERNATIONAL LAW, offences against, 258.

INTERNATIONAL PROOF OF MARRIAGE, 1699.

INTERVENTION of new causes, how far affecting responsibility, 155, 160.

INTOXICATING, meaning of, 1505.

INTOXICATING LIQUORS, ILLICIT SALE OF.

Tippling-house when disorderly is a nuisance at common law, 1498.

such nuisances defined by statute, 1498 a.

abatement of, 1498 b.

License.

License should be negatived in indictment, 1499.

how it is to be proved, 1500.

construction of license, 1500 a.

licenses not assignable, 1501.

Common Seller : Dealer : Tippling-house.

Averment and proof of, 1502.

Agency.

Principal liable for agent's acts, 1503.

agent is personally responsible, 1504.

"Intoxicating" or "Spiritous."

Intoxicating qualities when notorious need not be proved, 1505.

Medical Use.

To be a defence drink must be sold in good faith as medicine, 1506.

and so as to opium, 1506 a.

liquor derives its type from the object of its use, 1506 b.

Ignorance.

Honest mistake of fact is not ordinarily a defence, 1507.

Autrefois Acquit.

Offence must be identical to bar, 1508.

INDEX.

INTOXICATING LIQUORS, SALE OF—(continued).

*Husband and Wife.*

*Feme covert* may be responsible for sales, and husband for wife's sales, 1509.

*Averment and Proof of Vendee.*

Prevalent opinion is that vendee need not be named, 1510.

vendee may be averred as unknown, 1511.

when name must be proved, 1512.

*Minors and Drunkards, sales to,* 1512 a.

*Averment and Proof of Sale.*

Limitations of statute to be followed, 1512 b.

sales in neighborhood of schools, churches, etc., 1512 b.

statutory description of liquor sufficient, 1513.

and so as to measure, 1514.

and so as to retail, 1514 a.

"sell and offer" not double, 1515.

price need not be averred, 1516.

sufficient to charge "common seller," but sale must be properly averred, 1517.

sales on credit are within statute, 1518.

and so are drinks on "trade" or as collaterals, 1519.

club distributions not sales, 1514 a.

sales to be inferred from circumstances, 1520.

time is immaterial, 1521.

measure is immaterial, 1522.

name is material, 1523 a.

to be inferentially shown, 1523.

sales may be joint, 1524.

only offences charged to be proved, 1525.

bill of particulars to be required, 1526.

partial license no defence, 1527.

statutory presumption as to sale, 1528.

*Keeping prohibited Liquors for Sale,* 1528 a.

*Penal Responsibility of Vendee.*

Vendee may be called as witness, 1529.

*Constitutionality of Laws respecting.*

License laws to be strictly construed, 1530.

laws modifying evidence, 1530 a.

U. S. revenue license no defence, 1531.

*Jurisdiction,* 1532.

INTOXICATING LIQUORS, homicide through negligent administering of, 347.

INTOXICATION, as a defence, 48 *et seq.*

in public officer, indictable, 1533.

INTRUDER, may be expelled from house or grounds, 622, 1101.

INVEIGLEMENT, how far precluding prosecution, 149.

"INVEIGLEMENT" of children, a statutory offence, 590, 1765.

INDEX.

INVEIGLERS (see INSTIGATORS).

INVITATIONS, not attempts, 179.

INVOLUNTARY MANSLAUGHTER, meaning of, 305.

IRRELIGION, scandalous, when a nuisance, 1431.

IRRESISTIBLE IMPULSE, as a defence, 43.

IRRESPONSIBLE PARTIES, when causes, 161.

when principals, 211, 212.

JAIL, burning of, when arson (see ARSON).

escape from (see ESCAPE).

JAILER.

*Against for an Escape.*

Escape is permitting a prisoner's departure from custody, 1667.

negligence need not be proved by prosecution, 1668.

deputy jailers are liable as jailers, 1669.

jailers need not be *de jure*, 1670.

indictment must specify offence, 1671.

indictable for negligent homicide of prisoner, 331, 361.

indictable for malicious homicide (see HOMICIDE).

may restrain prisoner, 635.

JEWS, bound by Sunday laws, 1431 a.

JOINT TENANT, when guilty of larceny, 922.

JOKE, practical, death through, 373 a.

assaults in, 608 a.

larceny in, 893.

JUDGE, bribery of (see BRIBERY, MISCONDUCT).

JUDICIAL NOTICE of liquors, 1505.

JUDICIAL PROCEEDINGS, requisites of, in perjury (see PERJURY), 1297.

JUDICIAL RECORDS, subjects of forgery, 683.

JURAT, where proving oath, 1312.

JURISDICTION, theories of, 284, note.

*Judicial Powers settled by Federal Constitution.*

Summary of federal judicial powers given by Constitution, 252.

prevailing view is that federal judiciary has no common law criminal jurisdiction, 253.

conflict of early rulings on this topic, 254.

rulings do not shut out common law as a standard of interpretation, 255.

no formal jurisdiction is given of exclusively common law offences, 256.

statutory jurisdiction of federal courts, 257.

includes offences against law of nations, 258.

also offences against federal sovereignty, 259.

also offences against individuals on federal soil or on ships, 260.

also offences against property of federal government, 261.

also against public federal justice, 262.

INDEX.

JURISDICTION—(continued).

*In what Courts Offences against Federal Government are to be tried.*

State courts have not concurrent jurisdiction unless given by statute, 264.  
conflict of opinion as to State jurisdiction, 265.  
as to offences distinctively against U. S. the States are independent sovereigns, 266.

*Conflict as to Habeas Corpus.*

Right of the courts to discharge from federal arrests, 267.  
federal courts have statutory power of *habeas corpus* in federal cases, 268.

*Conflict and Concurrence of Jurisdictions. Offences at Sea.*

Offences at sea cognizable in country of flag, 269.  
federal courts have jurisdiction of crimes on high seas out of State jurisdiction, 270.

sovereign has jurisdiction of sea within cannon shot from shore, 270 a.

*Offences by Subjects Abroad.*

Subjects may be responsible to their own sovereign for offences abroad, 271.  
apportionment of this sovereignty between federal and State governments, 273.

also over political offences abroad, 274.

political extra-territorial offences by subjects are punishable, 275.  
perjury and forgery before consular agents punishable at home, 276.  
homicide by subjects abroad punishable in England, 277.

*Liability of Extra-territorial Principal.*

Extra-territorial principal may be intra-territorially indictable, 278.  
agent's act in such case imputable to principal, 279.  
doubts in cases where agent is independently liable, 280.

*Offences by Aliens in Country of Arrest.*

Alien indictable in country of arrest by Roman law, 281.  
so in English and American law, 282.  
so as to Indians, 282 a.  
but not so as to belligerents, 283.

*Offences by Aliens Abroad.*

Extra-territorial offences against our rights may be intra-territorially indictable, 284.  
jurisdiction claimed in cases of perjury and forgery before consuls, 285.  
punishment in such cases, 286.

*Offences Spreading over a Plurality of Jurisdictions.*

*Accessories and Co-conspirators Indictable in Place of Accessorship or Conspiracy and of Performance, 287.*

*In Continuous Offences each Place of Overt Act has Jurisdiction, 288.*

Adjustment of punishment in such cases, 289.  
in larceny thief is liable wherever goods are taken, 291.  
in homicide place of wound has jurisdiction, and by statute place of death, 292.  
law of place of performance may determine indictability, 292 a.  
sovereigns may have concurrent jurisdiction, 293.

INDEX.

JURISDICTION—(continued).

martial law and military law, 294.

*Offences against Law of Nations.*

Piracy, 1860.  
slave-trade, 1889.  
offences to foreign ministers, 1899.  
libels on foreign States, 1900.  
breach of neutrality, 1901.  
interference with belligerents, 1904.

*JUROR*, indictable for false swearing on *voir dire*, 1268.

*JUSTICE*, conspiracy to prevent, 1371, 1380.

officers of, homicide by and of (see HOMICIDE).

*JUSTICE OF THE PEACE*, may disperse riot, 1555.

bribery of (see BRIBERY).

misconduct by (see MISCONDUCT).

*JUSTIFIABLE HOMICIDE*, meaning of (see HOMICIDE), 307, 401.

KANT, his view of punishment, 13, note.

*KEEPER OF ASYLUM*, indictable for neglect, 333, 1585.

"KENO," a gambling game, 1465.

KEROSENE, when a nuisance, 1414, 1437.

*KIDNAPPING.*

Indictment must conform to statutory conditions, 586.

woman in such case may be a witness, 587.

indictment must be in county of offence, 588.

original actors are all principals, 589.

kidnapping is an offence at common law, 590.

*KILLING* (see HOMICIDE).

Killing, when intending to produce miscarriage, is murder, 316.

*KILLING ANIMALS*, when larceny, 925.

*KNOWLEDGE*, when imputable, 84-90.

when necessary to constitute offence, 87-90.

*LABELS*, the subjects of forgery, 690.

*LABOR*, conspiracies to affect, 1366 *et seq.*

*LACHES*, how far precluding prosecution, 148.

*LAKE, NAVIGABLE*, obstruction of, 1477.

*LAND*, forcible entry on (see FORCIBLE ENTRY).

nuisance on (see NUISANCE).

malicious mischief on (see MALICIOUS MISCHIEF).

*LARCENY.*

Larceny is the fraudulent taking and carrying away of a thing without claim of right, with the intention of converting it to a use other than that of the owner without his consent, 862.

at common law grand or petit, 862 a.

INDEX.

LARCENY—(continued).

Subjects of Larceny.

Treasure trove, estrays, and waifs, cannot be the subjects of larceny, nor dead bodies, but otherwise as to grave-clothes, skins of deer hung up in a camp, ice, gas, and stored water, 863.  
fixtures not subjects of larceny when unsevered from realty, 864.  
so of gold and other ore, 865.  
so of turpentine, sap, grass, corn, vegetables, and flowers, 866.  
but unfastened fixtures are subjects of larceny, 867.  
articles attached to soil must be first detached, 868.  
animals *ferae naturae* not subjects of larceny; e. g., deer, hares, wild fowl, fish, and bees, 869.  
and so of eggs of wild animals, 870.  
otherwise as to animals reclaimed or confined so as to be subject to domestic use, 871.  
untaxed dogs and ferrets not subjects of larceny, 872.  
but otherwise with oysters when planted for use, 873.  
and so of flesh of dead animals, 874.  
indictment for stealing animals must show they are the subjects of larceny, 875.  
*choses in action* are not subjects of larceny, 876.  
deeds and mortgages are not "goods and chattels," 877.  
nor are other securities at common law, 878.  
prosecutor's own negotiable paper may be subject of larceny, 879.  
larceny of "pieces of paper" is indictable, 880.  
so of unissued bank bills, 881.  
value may be inferentially shown, 882.  
articles illegal or contraband may be the subjects of larceny, 882 a.  
but not an instrument of no value, 882 b.

Intent.

Intent must be to deprive possessor permanently of things taken, 883.  
taking under an honest claim of right is not larceny, 884.  
and so of taking merely for temporary use, 885.  
and so of borrowing without fraudulent intent, 886.  
returning goods or paying for, does not purge guilt, 887.  
buying by false pretence is not larceny; but otherwise when only possession of the goods, but not the property, is obtained by the false pretence.

False personation, 888.

seizing weapon in self-defence is not larceny, 889.  
and so of taking by a belligerent, 890.  
whether forced sale is larceny depends upon circumstances, 891.  
taking the wrong thing and dropping it is not larceny, 892.  
nor is taking by accident or in joke, 893.  
nor is retaking one's own goods, 894.  
to larceny *lucri causa* is essential by Roman law, 895.  
and so by early English law, 896.

870

INDEX.

LARCENY—(continued).

otherwise by later English cases, 897.  
unreasonableness of these rulings, 898.  
in the United States qualification of *lucri causa* required, 899.  
pawning master's goods with intent to return is not larceny, 900.  
appropriating lost goods *animo furandi* is larceny, 901.  
otherwise when there is no means of knowing at the time who the owner was, 902.  
notice of ownership may be inferred from facts, 903.  
inference of intent may be refuted by proof of *bond fide* attempt to find owner, 904.  
where there are ear-marks reasonable diligence should be shown, 905.  
intent to restore only for reward makes offence larceny, 906.  
returning lost goods does not purge felony, 907.  
same rule as to cattle, 908.  
intent to steal coupled with belief that owner may be found, constitute larceny, 909.  
but not larceny unless belief that owner may be found and felonious intent concur, 910.  
larceny for railroad officer to appropriate things found in cars, 911.  
not larceny for persons employed to find goods to appropriate them, 912.  
nor for assignee of finder to retain goods, 913.

Taking.

Taking as a trespass must be in some way proved. Need not be secret, but must have been fraudulent, 914.  
consent of owner to taking does not bar prosecution in cases where the consent is that defendant should have only a bare charge, and where the consent was not specific, or voluntary, 915.  
consent cannot be given by unauthorized agent, 916.  
no defence that goods were exposed by owner to theft, 917.  
not larceny for wife to take away her husband's goods, or for person merely assisting her, 918.  
but otherwise for persons assisting adulterous wife, 919.  
in such case defendant must be connected with the taking, 920.  
larceny in a man to steal his own goods from bailee to charge bailee, 921.  
joint tenant or tenant in common of chattel cannot steal chattel unless in hands of bailee, 922.  
distance of moving immaterial, 923.  
taking need not be by hand, 924.  
killing of animals not a sufficient carrying away, 925.  
enticing or trapping animals not taking until seizure, 926.  
party must be present at taking as principal, 927.  
a thief carrying goods from county to county may be convicted in either county, 928.  
all assenting to asportation are principals, 929.

871

INDEX.

LARCENY—(*continued*).

conflict of opinion as to whether when goods are stolen in one State the thief may be convicted in another State where the goods are brought, 930.

when several things are taken by one unbroken act this is a single larceny, 931.

*Ownership.*

Ownership, absolute or special, will sustain an indictment, 932.

counts may vary ownership, 932 a.

ownership may be inferentially proved, 933.

variance as to may be fatal, 934.

of joint tenants and tenants in common must be jointly laid, 935.

general owner may be charged with stealing from special owner, 936.

grave-clothes and coffins to be laid as property of executor, 937.

as against strangers, property may be laid in either bailor or bailee, 938.

property cannot be laid in servant or child, 939.

nor in married woman, 940.

goods of corporation must be laid as such, 941.

goods levied on may be laid as property of officer or owner, 942.

when servant is charged with stealing from master, master's possession must be proved, 943.

specific ownership of stolen coin must be shown, 944.

goods stolen from thief may be laid as property of either thief or owner, 945.

things stolen from mail may be laid as property of owner, 946.

clothes of child may be laid as property of father, 947.

stealing simultaneously goods of different owners makes more than one offence, 948.

owner may be laid as unknown, 949.

goods of deceased person to be averred to be property of executor, 950.

*Value.*

Some value must be attached to things stolen, 951.

lumping valuation insufficient when conviction is only for stealing part, 952.

when there is a statutory limit value must conform to statute, 953.

larceny may be laid of piece of paper, 954.

value may be inferentially shown, 955.

*By Servants and others having bare Charge.*

Larceny for servant having bare charge to convert to his own use, 956.

so as to others having bare charge, 957.

so as to persons with or by whom goods are inadvertently left or obtained, 958.

and so of letter-carrier stealing letter, 959.

and so of clerk, without discretion, stealing goods of employer, 960.

otherwise when property of goods is in clerk, 961.

and where the master has not had possession of goods, 962.

INDEX.

LARCENY—(*continued*).

reception in master's wagon is reception by master; and so of reception by carrier for master, 962 a.

and so of reception in master's immediate control; but not so as to money secreted or pocketed by servant, 962 b.

*By Bailees.*

Bailee not chargeable with larceny unless there be original fraudulent intent, 963.

where bare possession is fraudulently obtained, subsequent conversion is larceny, 964.

otherwise when property in goods is passed, 965.

no such property passes with possession fraudulently obtained from servant or bailee as precludes prosecution for larceny, 966.

bailee liable when bulk or package is fraudulently broken though possession was obtained *bond fide*, 967.

and so where bailment is fraudulently determined by bailee, 968.

and so where bailment expires by itself, 969.

by statute bailees open in other cases to prosecution, 970.

*By Assignee or Vendee.*

Sale obtained by force does not transfer property, 971.

sale to bar larceny must be complete, 972.

transfer by trick not such a sale, 973.

transfer must be assent of two minds to one thing, 974.

conditional transfer does not bar larceny, 975.

no defence that goods were obtained by legal process when such process is fraudulent, 976.

*Indictment.*

Various counts may be joined, 978.

ownership must be stated, 979.

*Verdict,* 980.

*Restoring Articles stolen.*

By statute stolen goods are to be restored, 981.

goods may be followed in hands of assignees with notice, 981 a.

in several jurisdictions, venue of, 291.

may be conviction of, or indictment for robbery, 858.

LARCENY FROM DWELLING-HOUSE, indictable by statute, 981 c.

LASCIVIOUSNESS, public, when indictable, 1446.

LATENT CHEATS, when indictable at common law, 1126.

LAW, ignorance of, no defence, 84.

LAWFUL DUTIES, neglect in, resulting in homicide, how far imputable, 351.

LAW OF NATIONS, offences against, 258, 1860, 1899.

LEGAL PROCEEDINGS, when privileged, 1639.

LEGAL RIGHTS, cannot be riotously maintained, 1540.

LEGISLATIVE SPEECHES, privileged, 1634.

LEGISLATURE, libels on, 1613.

INDEX.

LETTER, indecent, mailing, 288, 1594, 1606, 1831.  
LETTER-CARRIER, may be indicted for larceny, 959, 1829.  
LETTERS, THREATENING, 1664.  
embezzlement of, 1827.  
LETTING HOUSE OF ILL-FAME, when indictable at common law, 1459.  
LEWDNESS, PUBLIC, when indictable, 1446.  
when a statutory offence, 1747.  
LEVYING WAR, when treason (see TREASON), 1790.  
term to be accepted in its prior judicial meaning, 1791.  
all concerned in levying war are principals, 1792.  
but there must be an overt act of war, 1793.  
number engaged is not material, 1794.  
*direct* levying of war is attack on government's forces or ports, 1795.  
*constructive* is where it is intended to effect change in government by force, 1796.  
but war to effect private ends is not treason, 1797.  
not necessary to treason that a battle should be fought, 1798.

LIBEL.

*Defamatory Libels.*

A defamatory libel is a publication calculated to insult or injure the reputation of any person, 1594.  
test of injury is provocation to wrath or exposure to public hatred or ridicule, 1595.  
hence imputation of crime is a libel, 1596.  
and so of reflecting on a man professionally, 1597.  
and so of whatever is the subject of civil action without special damage, 1598.  
and so of villifying deceased persons, 1599.  
unconscious and helpless persons are thus protected, 1601.  
corporations may prosecute for libel, 1602.  
unwritten words not usually libels, 1603.  
but otherwise as to pictures or signs, 1604.

*Blasphemous Libels.*

Blasphemy indictable at common law, 1605.

*Obscene Libels.*

Obscenity indictable at common law, 1606.  
philanthropic or scientific intent no defence, 1607.  
procuring obscene print for distribution is indictable, 1608  
obscenity need not be fully set forth, 1609.

*Seditious Libels.*

Libels aimed maliciously at the existence of government indictable, 1611.  
so of libels on executive, 1612.  
so of libels on foreign powers, 1612 a.  
so of libels on legislature, 1613.  
so of libels on courts, 1614.

INDEX.

LIBEL—(continued).

seditious words may be indictable, 1615.  
public officer prosecuting need not prove his appointment, 1617.  
*Publication.*

Publication must be seen by third person, 1618.  
when libel is sealed, intent to provoke breach of peace must be charged, 1619.

venue may be in places of mailing or of delivery, 1620.

post-mark may be evidence of mailing, 1621.

selling is publication, 1622.

instigator is principal, 1623.

printing not *per se* publication, 1624.

circulation proof of publication, 1625.

of non-obtainable libel, parol proof is admissible, 1626.

master responsible for servant, 1627.

admissions may prove libel, 1628.

*What Communications are privileged.*

*Bonâ fide* confidential communications are privileged, 1629.

meddlesomeness is the test, 1630.

master's character of servant is privileged, 1631.

so of *bonâ fide* communications by directors and members of companies, 1632.

so of *bonâ fide* business publications, 1632 a.

so of *bonâ fide* communications by commercial agencies, 1633.

so of legislative proceedings and speeches, 1634.

so of official reports, 1635.

so of communications to electing or appointing power, 1636.

so of professional publications by counsel, 1637.

so of evidence of witnesses on trial, 1638.

so of legal proceedings, 1639.

so of criticism of public abuse or wrong, and of literary and artistic criticism, 1640.

so of discipline by voluntary societies, 1641.

so of publications in legitimate self-defence, 1641 a.

question of privilege for court, 1642.

*Truth, when admissible.*

At common law truth is no justification, 1643.

otherwise when purpose is honest, to disprove malice, 1644.

under statutes truth admissible on conditions, 1644 a.

truth no defence when publication is malicious, 1645.

justification must be as broad as charge, 1646.

common rumor no justification, 1647.

*Malice, how proved and rebutted.*

Malice need not be special, 1648.

publisher not excused by ignorance of contents, 1649.

question of malice is for jury, 1650.

INDEX.

**LIBEL**—(continued).

other libels admissible to prove system, 1651.  
whole publication admissible, 1652.  
no defence that libel was a joke, 1653.  
counter evidence of good motive inadmissible, 1654.

*Indictment.*

Publication must be averred, 1655.  
libellous matter must be given exactly, 1656.  
indictment must profess to do so, 1657.  
authorship must be averred, 1658.  
libellous matter must be charged to relate to prosecutor, 1659.  
innuendoes can interpret but not enlarge, 1660.  
their truth is for jury, 1661.  
unobtainable or obscene libels, 1662.

*Verdict.*

"Guilty of publishing only" is insufficient, 1663.

*Threatening Letters.*

Extorting money by threatening letters indictable, 1664.  
letters may be explained by parol, 1665.  
material facts must be averred, 1666.  
threats to destroy and kill indictable, 1666 a.

**LIBELS**, when transmitted through several jurisdictions, venue of, 286.

**LIBERTY**, cannot be waived by consent, 145.

**LICENSE**, no defence to nuisance, 1424.

when defence to selling liquor, 1499.

when defence to indictment for obstruction of highway, 1484.

**LIFE** cannot be taken by consent, 144.

**LIQUOR, INTOXICATING** (see **INTOXICATING LIQUOR**), 1498.

**LIQUOR LAWS**, constitutionality of, 1530.

**LIMITATIONS**, statutes of, 31 a.

**LITERARY CRITICISM**, when indictable, 1640.

**LIVERY STABLE**, when a nuisance (see **NUISANCE**).

**LIVING IN ADULTERY**, indictable, 1721 a.

**LIVINGSTON**, his views on punishment, 8.

**LODGINGS**, may be dwelling-house, 787.

**LORD'S DAY**, statutes as to (see **SUNDAY**), 1431 a.

**LOST GOODS**, stealing of, 901-910.

**LOTTERIES**.

*Offences included in Statutes.*

Lotteries and sales of lottery tickets indictable by statute, 1490.  
"lottery" does not include private drawings by chance, 1491.  
games of chance to be distinguished from games of skill, 1491 a.  
"ticket" includes fractions, 1492.

*Indictment.*

Indictment must show ticket to be prohibited, 1493.  
not duplicity to couple stages of offence, 1494.

INDEX.

**LOTTERIES**—(continued).

enough to follow statute, 1495.  
variance in ticket fatal, 1496.

*Evidence.*

intent inferentially proved, 1497.

**LOTTERY LAWS**, conspiracies to violate, indictable, 1552.

**LOYALTY**, meaning, 1797.

**LUCRICAUSA**, when essential to larceny, 895-9.  
not essential to receiving stolen goods, 988.

**LUNACY** (see **INSANITY**).

**LUNATICS**, cannot be principals, 207.

**LYING IN WAIT** (see **HOMICIDE, MAYHEM**).

**LYNCH LAW**, killing by, is murder, 399.

**MACHINERY**, care required in use of, 369.

malicious injury to, 1082 a.

**MAGIC**, not responsible causation, 167.

false pretence as to, 1140.

**MAGISTRATE**, entitled to disperse riot, 1555.

misconduct by (see **MISCONDUCT IN OFFICE**).

bribery of (see **BRIBERY**).

corruption by, 1558, 1572 b.

**MAIL, OFFENCES AGAINST.**

*Obstruction of*, 1822.

*Robbery of*.

Robbery of the mail is where a mail-carrier is robbed by force, 1823.

all concerned are principals, 1824.

"rob" is used as at common law, 1825.

and so is "jeopardy," 1826.

*Embezzlement from Mail.*

Letter must have been obtained from post-office, 1827.

decoy letter is within statute, 1828.

letter must be traced into defendant's hands, 1828 a.

sufficient if indictment conform to statute, 1829.

*Receiving Embezzled Money, etc.*

Offence analogous to receiving stolen goods, 1830.

*Posting Indecent Matter.*

Posting indecent matter indictable, 1831.

**MAIL**, things stolen from, how laid, 946.

**MAIL-CARRIER**, embezzlement by, 1827.

**MAIM** (see **MAYHEM**).

**MAINE**, homicide statute of, 376.

**MAINTENANCE**, as a common law offence, 1854.

**MAJOR OFFENCES**, as absorbing minor, 27.

**MALA PROHIBITA**, character of, 24.

INDEX.

MALICE.

Malice is evil intent, and is convertible with *dolus*, 106.  
to *dolus*, will, object, and causation are essential, 107.  
sufficient if party charged contemplated result as a contingency, 108.  
*dolus* classified as *determinatus* and *alternativus*, 109.  
*dolus determinatus* is where a single object is persistently pursued, 110.  
*dolus alternativus* is where the purpose is capable of alternate realization, 111.  
malice to a class includes malice to its members, 112.  
fallacy of distinction between malice express and implied, 113.  
malice presumed to be continuous, 114.  
but duration to be inferred from facts, 115.  
premeditation requires no fixed period, 116.  
intent at time of action enough, 117.  
malice does not require physical contact, 117 a.  
in cases of doubt, verdict is taken for the lower degree, 118.  
motive to be distinguished from intent: good motive no defence, 119.  
unintended injury derives its character from purpose to which it is incidental, 120.  
motive need not be proportionate to heinousness of crime, 121.  
malice inferable from facts, 122.  
consciousness of unlawfulness not essential, 123.  
distinguishable from fraud, 124.  
general, how far imputable in homicide, 319.  
may be negatived by proof of ignorance, 87.  
to be inferred in homicide from circumstances, 318.  
proof in libel (see LIBEL), 1648.  
"MALICE AFORETHOUGHT," averment of, 517, 539.  
meaning of, 309.

MALICIOUS MISCHIEF.

Statutes in this relation are based on common law, 1065.  
offence at common law is of wider scope in this country than in England, 1066.  
offence includes malicious physical injury to another person or to the public, 1067.  
but offence must be with malice to owner or involve a breach of the peace, 1068.  
offence is distinguishable from larceny by absence of intent to steal, 1069.  
malice is essential, 1070.  
malice is to be inferred from facts, 1071.

    may be negatived by proof of other motives, 1072.

honest belief in title a defence, 1072 a.

consent of owner is a defence, 1073.

injury must be such as to impair utility, 1074.

owner is competent witness, 1075.

all kinds of property are subjects of offence, 1076.

INDEX.

MALICIOUS MISCHIEF—(*continued*).

owner's title is immaterial, 1077.  
indictment must contain proper technical averments, 1078.  
malice must usually be averred, 1079.  
mode of injury must be averred, 1080.  
statutory offence of endangering lives of railroad travellers, 1081.  
statutory offence of obstructing railroad carriages, 1082.  
statutory offence of malicious injury to manufactures and machinery, 1082 a.  
statutory offence of injuring mines, 1082 b.  
statutory offence of injuring trees and shrubs, 1082 c.  
statutory offence of cruelty to animals, 1082 d.

MALICIOUS OMISSIONS, indictable, 191 a.

MALICIOUS SHOOTING, 641, 645 a.

MALPRACTICE by physician, how affecting responsibility, 157-8.

MALTREATMENT OF CREW.

*Who are Crew.*

"Crew" includes all seamen except master, 1871.

*Power of Officers.*

Master has power of corporal punishment by maritime law, 1872.  
otherwise under statute, 1873.

MANIA A POTU, as a defence, 48.

MANSLAUGHTER, meaning of (see HOMICIDE), 304.

assaults with intent, 641.

MAN-TRAPS, homicide by, 464.

MANUFACTORIES, malicious injuries to, 1082 a.

MAPLE SYRUP, may be subject of larceny, 866.

MARKET, conspiracies to control, 1370.

MARRIAGE, when a defence to woman (see FEME COVERT).

    proof of, in bigamy, 1696-1702.

    place of, when to be proved in bigamy, 1685.

    when voidable, 1689.

    fraudulent, conspiracy to effect, 1362.

    promise of, as ground of seduction, 1758.

MARRIED WOMAN'S HOUSE, to be laid as husband's, 800.

MARRIED WOMEN (see FEME COVERT).

    indictable for house of ill-fame, 1455.

    property cannot be laid in, 940.

MARSHALS, FEDERAL, interference in elections, 1841 a.

MARTIAL LAW, distinctive features of, 294 (see BELLIGERENTS).

MASSACHUSETTS, homicide statute of, 376.

MASTER, when liable for servant's negligence, 135, 341.

    for servant's misconduct, 279.

    indictable for neglect of child, 331, 333, 359, 360, 1585.

    larceny from, 962.

    embezzlement from (see EMBEZZLEMENT), 1009 *et seq.*

    may correct apprenticee, 634.

INDEX.

MASTER—(*continued*).  
but not servant, 634.  
MASTER OF HOUSE, may expel intruder by force, 97, 502, 624.  
MASTER OF VESSEL, power of corporal punishment, 1872.  
confining, 1881.  
MASTER'S LIABILITY for servant's homicide, 341.  
MATERIALITY, in perjury (see PERJURY), 1276.  
MAYHEM.  
Mayhem is inflicting wound diminishing capacity for self-defence, 581.  
intent to be inferred from facts, 582.  
offence is felony, 583.  
may be conviction of lesser offence, 584.  
MAYOR OF CITY, may disperse rioters, 1555.  
MEASURE, unlawful cheating by (see CHEATING).  
MEAT, unwholesome, selling is indictable, 1494.  
MECHANIC, responsible for negligent homicide, 337.  
MEDDLING WITH DANGEROUS AGENCY, indictable, 125, 133, 329, 370.  
MEDICAL MAN, malpractice by, 157-8, 362.  
MEDICAL USE, when defence to selling liquor, 1506.  
MEETINGS, disturbance of, when indictable, 1556.  
MENACES TO OBTAIN MONEY, 1664.  
MENTAL CONDITION, how far affecting intent, 388.  
MENTAL DISTURBANCE, as a palliation, 47.  
MERCY, omissions of, resulting fatally, how far imputable, 329, 330, 1563  
*et seq.*  
MERGER, meaning of, 27 a.  
of assault in felony, 641 a.  
of assault and attempt in rape, 576.  
of conspiracy in felony, 1343-4.  
none of conspiracy in misdemeanor, 1346.  
does not exist of murder in treason, 395.  
MESSAGES, telegraphic, subjects of forgery, 682.  
MICHIGAN, homicide statute of, 376.  
MIDDLEMAN, may prosecute for embezzlement, 1083.  
when guilty of embezzlement, 1020.  
MILITARY COERCION, when a defence, 94.  
MILITARY LAW, scope of, 294-5.  
MILITARY OFFICERS, when responsible for homicide, 411, 431.  
MILK, adulterated, sale of, 88.  
the subject of larceny, 371.  
MINERALS, larceny of, 365.  
MINES, malicious injury to, 1082 b.  
MINISTERS, FOREIGN, assaults on, 1899.  
MINOR OFFENCES, contained in major, 27.  
MINORITY, as a defence (see INFANTS), 67.

INDEX.

MINORS, enlistment of, 267.  
inducing to gamble, 1465 a.  
selling liquor to, 88, 1507, 1512 a.  
MISADVENTURE, homicide by, 306, 329 *et seq.*  
MISCARRIAGE, homicide incidental to, 316, 323, 390, 430.  
conspiracy to produce, 1364.  
MISCEGENATION, indictable, 1754.  
MISCHIEF (see MALICIOUS MISCHIEF).  
Responsibility for death produced by, 879 a.  
MISCONDUCT IN OFFICE.  
*Offices based on Natural Law.*  
Responsibility of parent for child, and husband for wife, 1563.  
misconduct must result in exposure of person neglected, 1564.  
party charged must have means to discharge office, 1565.  
person neglected must be incapable of self-help, 1566.  
neglect a substantive offence, 1567.  
*Statutory Offices.—Disobedience.*  
Officer disobeying law is indictable, 1568.  
indictment must be special, 1569.  
appointment need not be averred, 1570.  
impeachable officers are not subject to indictment, 1571.  
*Oppression, Fraud, and Corruption.*  
Oppression by officer is indictable, 1572.  
so is fraud, 1572 a.  
so is corruption, 1572 b.  
so of usurpation, 1572 c.  
*de facto* officers responsible, 1572 d.  
*Extortion.*  
Extortion is taking money unjustly by official, 1574.  
statutes do not ordinarily absorb common law, 1575.  
motives must be corrupt, 1576.  
act must be complete, 1577.  
all concerned are principals, 1578.  
how far indictment must be special, 1579.  
*Negligence.*  
Need be no injury caused in cases of negligence, 1580.  
need not be malice in such case, 1581.  
mistake of law or fact no defence, 1582.  
drunkenness in public officer indictable, 1588.  
and so of neglect of justices in suppressing riot, 1584.  
and so of municipal neglect in repair of roads, 1584.  
*Voluntary Offices.*  
*Guardians, Masters, and Keepers* indictable for neglect, 1585.  
so of officers of ship and railroads, 1586.  
so of innkeepers, 1587.  
ignorance and want of malice as a defence, 1588.

INDEX.

MISCONDUCT IN OFFICE—(*continued*).

*Evidence.*

Not necessary to prove official appointment, 1589.  
malice and corruption to be inferentially proved, 1590.

*Resistance to Illegal Acts of Officers*, 1591.

MISDEMEANORS, character of, 21, 23.

all are principals in, 223.  
conspiracy to commit, 1845.  
compounding, when indictable, 1559.

MISPRISION OF FELONY, responsibility for, 249.

MISSOURI, homicide statute of, 376.

MISTAKE, no defence to official negligence, 1582, 1588.

MISTAKE IN OBJECT, how far a defence, 120.

MISTAKE OF FACT, when a defence, 88-9.

MISTAKE OF LAW, when a defence, 86.

MOB, robbery by, 856.

MOBS, malicious injury by, 1082 a.

riot by, see RIOT.

MONEY, false pretence as to, 1136.

counterfeit of, possession of, 720.

mode of describing, 721, 751.

"MONEY ORDERS," forgery of, 682, 743 a.

MONOPOLIES, conspiracies to establish, 1369.

MORAL DEFECT, when indictable, 125-6.

MORAL INSANITY, as a defence, 46.

MORALITY, how far a test of indictability, 14 a.

MORTGAGES, when subjects of larceny, 876-7.

MOTHER, indictable for negligent homicide of child, 331, 335, 359.

MOTIVE, to be distinguished from intent, 119.

MOTIVES, complexity of, no defence, 119.

need not be proportioned to act, 120.

MUNICIPAL OFFICERS, indictable for neglect, 1584 a.

MURDER (see HOMICIDE).

Conflicts of jurisdiction as to, 292.

in perpetration of felony, how determined by statute, 382.

assaults with intent, 641.

MUTILATION, of document, may be forgery, 676.

MUTINY, indictable in federal courts, 1876.

NATIONALITY, how far a basis of jurisdiction, 269 *et seq.*

NATIONS, law of, offences against, 258, 1899 *et seq.*

NATURAL RIGHTS, theories of, 97, note.

NATURALIZATION, perjury as to, 266, 1275.

NAVAL OFFICERS, when responsible for homicide, 431.

NECESSITY.

Necessity a defence when life or other high interests are imperilled, 95.

INDEX.

NECESSITY—(*continued*).

culpability does not preclude the defence, 96.  
distinction between necessity and self-defence, 97.  
not necessary to have had prior recourse to public authorities, 97 a.  
objects for which self-defence may be exerted, 98.  
flight not necessary to self-defence, 99.  
defence of property justifiable, 100.  
but not violent defence of honor, 101.  
danger must be immediate, and defence not to exceed attack, 102.  
inference to be drawn from weapon, 109.  
defence only good when danger is immediate, and when the life of the defendant can only be saved by the sacrifice of the deceased, 510.  
self-preservation in shipwreck, 511.  
a defence to prison breach, 1679.  
no defence to treason, 1813.

NEGLIGENCE.

Negligence is the omission of usual care, 125, 1581-3.  
negligence is an intellectual, malice a moral, defect, 126.  
tests of indictable negligence, 127, 1581-5.  
concurrence of malice and negligence, 128.  
negligence cannot constitute accessoryship, 129.  
omission, to be indictable, must be defective discharge of duty, 130.  
omissions are breaches of affirmative commands; commissions, of negative commands, 130 a.  
classification of indictable omissions, 131, 1563-83.  
omissions may be malicious as well as negligent, 131 a.  
mere omissions to render help not indictable, 132.  
omission to guard dangerous agency indictable, 133.  
not necessary that negligence should be subject to civil suit, 134.  
master may be liable for servant's negligence, 135.  
[As to contributory negligence, see 162-3.]

See MISCONDUCT IN OFFICE.

NEGLIGENCE OF OWNER, no defence to larceny, 917.

NEGLIGENT HOMICIDE.

Omission in discharge of lawful duty is indictable, 329.

omission to perform acts of charity not indictable, 330.

otherwise as to lawful duties; father and child, 331.

husband and wife, 332.

keepers, jailers, etc., 333.

incapacity a defence, 334.

so is capacity on part of person neglected, 335.

conscientious opinion as to duty when a defence, 336.

engineers and other officers liable for omissions, 337.

so of persons employed to give warning as to danger, 338.

no indictment lies for failure in discretionary duty, 339.

must be causal connection between the negligence and the injury; contributory negligence, 340.

INDEX.

NEGLIGENT HOMICIDE—(continued).

master liable for servant, 341.  
no defence that business was lawful, 342.  
negligent use of dangerous agencies indictable, 343.  
    fire-arms and powder, 344.  
    poison, 345.  
    intoxicating liquors, 347.  
officers of railroads liable for death ensuing from their want of care, 348.  
where there is duty there is liability, 349.  
but duty must be specific, 350.  
killing by negligently dropping articles is manslaughter, 351.  
liability of steamboat officers, 352.  
death produced by careless driving is manslaughter, 353.  
rapidity which puts horse out of control is negligence, 354.  
care to be that of prudent drivers, 355.  
all concerned liable as principals, 356.  
letting loose noxious animals, 357.  
killing of helpless person by negligent act is manslaughter, 358.  
death of child by parent's negligent act is manslaughter, 359.  
so as to master and apprentice and master and servant, 360.  
so of jailers and other guardians, 361.  
physicians responsible for lack of ordinary diligence and skill, 362.  
not responsible if patient were direct cause of injury, 363.  
no difference between licensed and unlicensed practitioner, 364.  
culpable ignorance imposes liability, 365.  
careless or ignorant use of dangerous agencies is negligence, 366.  
gratuitousness does not affect case, 367.  
apothecaries and chemists liable on same principles, 368.  
by persons running machinery care must be exercised in proportion to  
danger, 369.  
so when death is caused by negligent desertion of post, 370.

NEGLIGENT IGNORANCE, when indictable, 85, 89.

NEGLIGENT OFFICERS, when indictable, 1580.

NEGOTIABLE PAPER, when subject of larceny, 877-82.  
    when subject of false pretences, 1195.

NEGRO, marriage with white, when nullity, 1754.

NERVOUS CAUSATION, how far imputable, 167.

NEUTRALITY, BREACH OF.  
    Indictability not convertible with national duty, 1901.  
    sympathy not participation, 1902.  
    not indictable to furnish belligerent with munitions of war, 1903.  
    otherwise as to recruiting, 1904.  
    and so of fitting out and arming cruiser, 1905.  
    and so of lending money for belligerent purposes, 1906.  
    and so of furnishing coal from a constant base of naval supply, 1907.  
    punishment, but not extradition of offender, may be demanded, 1908.

INDEX.

NEW HAMPSHIRE, homicide statute of, 376.

NEW JERSEY, homicide statute of, 376.

NEW YORK, homicide statute of, 376.

NEWS, false, publication of, 1448.

NIGHT WALKERS, right to arrest, 441.

    who are, 1446.

NINE-PINS, when a game of chance, 1465 a.

    playing on Sunday, 1431 a.

NOISES, when nuisances, 1411-2, 1432 b.

NON-COMPOS MENTIS (see INSANITY).

NON-EXISTENT OBJECT, not imputable, 136.

NON-RESIDENT, when a principal, 209, 219, 284, note.

NOTICE, omission of, homicide resulting from, liability for, 338.

"NOXIOUS," meaning of term, 182.

NUISANCE

*General Conditions.*

Nuisance must be an offence deleterious to community at large, 1410.

not enough if offence is special, 1411.

not necessary that nuisance should be detrimental to health, 1412.

offensive trades not necessarily indictable, 1413.

annoyance must be reasonably such, 1414.

prescription no defence, nor recency of population, 1415.

collateral public advantage no defence, 1416.

no defence that similar nuisances exist, 1417.

no defence that thing complained of has no other place, 1418.

prior conviction no defence, 1419.

want of evil intent is no defence, 1420.

nor is good intent, 1421.

all concerned are principals, 1422.

persons undertaking public duties liable for neglect, 1423.

a license from government no excuse for unnecessary nuisance, 1424.

nuisance must be in causal relation with defendant's act, 1425.

jurisdiction, when in two counties, or States, 283.

*Abatement for.*

Nuisance may be stopped by abatement, 1426.

*Indictment.*

Indictment must conclude to common nuisance, 1427.

must show a public offence, 1428.

bill of particulars may be required, 1429.

*Proof.*

Nuisance to be proved inferentially, 1430.

*Offences to Religion.*

Whatever shocks the common religious sense is a nuisance, 1431.

unnecessary labor on Sunday a statutory offence (see SUNDAY), 1431 a.

*Offences to Public Decency.*

Whatever shocks public decency is indictable, 1432.

INDEX.

NUISANCE—(continued).

indecent treatment of dead body indictable, 1432 a.  
noise and indecent conduct in the public streets, 1432 b.

Offences to Health.

Whatever is likely to generate disease may be a nuisance, 1433.  
as in case of exposure of putrid or infectious food or drink, 1434.  
but mere unwholesomeness is not sufficient, 1435.  
and so as to communication of diseases, 1436.

Offensive Industries.

Offensive industry indictable if planted in populous neighborhood, 1438.  
if placed within city limits, 1439.  
whether such industry must recede, in other cases, is a question of expediency, 1440.

Explosive and Inflammable Compounds.

Explosive compounds must be carefully kept, 1441.

Nuisances of Personal Deportment.

Common scolds are indictable at common law, 1442.  
and so of common brawlers, 1443.  
and so of common barrators; common thieves, 1444.  
and so of eaves-droppers, 1445.  
and so of persons habitually and openly lewd, and night-walkers, 1446.  
and so of common drunkards, 1447.  
and so of false newsmongers, 1448.

Bawdy, Disorderly, and Tippling-houses.

Bawdy-house and disorderly house are indictable at common law, 1449.  
enough if facts constituting nuisance be averred, 1450.  
character of house to be proved inferentially, 1451.  
bad reputation of visitors admissible, 1452.  
ownership to be proved inferentially, 1453.  
tippling-houses indictable at common law, 1454.  
married woman indictable for keeping house, 1455.  
proof of general nuisance is enough, 1456.  
offence need not be *lucr<sup>i</sup> causa*, 1457.  
a room or a tent may be a "house," 1458.  
letting house of ill-fame indictable at common law, 1459.  
cognizance of object sufficient, 1460.

Games.

Scandalous or disorderly games are indictable, 1461.  
so of bowling alleys when disorderly, 1462.  
so of billiard rooms, 1463.  
so of public spectacles, 1464.  
gaming when public may be indictable, 1465.  
gaming is staking on chance, 1465 a.  
made indictable by statute, 1465 b.  
also by whatever excites disturbance, 1465 c.  
also as involving minors, 1465 d.

INDEX.

NUISANCE—(continued).

in pleading statutory requisitions must be followed, 1466.  
evidence is inferential, 1467.  
betting indictable by statute, 1467 a.

Exposure of Person.

Indecent exposure of person a nuisance, 1468.  
publicity must be averred, 1469.  
place must be open to public, 1470.  
intent to be inferred, 1471.

to be a nuisance there must be witnesses, 1472.

Obstructing Highways and Streams.

Obstructing road on which public has a right of way is indictable, 1473.  
whatever interferes with travel is an obstruction, 1474.  
so as to grounds dedicated to public, 1474 a.  
prescription is no defence, 1475.  
unlicensed or excessive obstruction by railroad may be indictable, 1476.  
nuisance to obstruct or pollute public waters, 1477.  
collateral benefit no defence, 1478.  
not necessary that tide should flow, 1479.  
indictment may lie for obstructing fish, 1480.  
wharf may be a nuisance, 1481.  
and so may docks, 1482.  
and so may oyster-beds, 1483.  
license no defence to negligent obstruction, 1484.  
neglect in repairing roads may be indictable, 1485.  
indictment must aver duty, 1486.  
court may compel repair by fine, 1487.

OATH, how to be taken to sustain perjury, 1251.

OBEDIENCE, when a defence, 94.

OBJECT, necessary to offence, 136.

when necessary to attempt, 186.

OBJECTIVE JURISDICTION, theory of, 284, note.

OBJECTIVE SIDE OF CRIME distinguished from subjective, 182.

OBSCENE LIBELS, 1606.

OBSCENE MATTER, posting, 1831.

OBSCENITY, when indictable, 1431, 1432, 1446, 1606.

OBSTRUCTION OF JUSTICE, 650-2.

conspiracy to effect, 1386.

OBSTRUCTION OF MAIL, 1822.

OFFENCES, classification of, 14.

crime is an act made indictable by law, 14.

immorality and indictability not convertible, 14 a.

distinction between public and private wrongs, 15.

English common law in force in the United States, 15 a.

want of English common law authorities does not preclude offence from being indictable at common law in the United States, 16.

INDEX.

OFFENCES—(continued).

disturbances of the public peace indictable at common law, 17.  
so of malicious mischief, 18.  
so of public scandal and indecency, 19.  
offences exclusively religious not indictable, 20.  
offences at common law are treasons, felonies, and misdemeanors, 21.  
felonies are crimes subject to forfeiture, 22.  
misdemeanors include offences lower than felonies, 23.  
police offences to be distinguished from criminal, 23 a.  
an act, when prohibited by statute, is indictable, though indictment is not given by statute, 24.  
statutory provisions to be strictly followed, 25.  
new statutory penalties are cumulative with common law, 26.  
an offence may be divisible: (1) by discharging aggravating incidents; (2) by diversity as to time; (3) by diversity as to place; (4) by diversity as to objects; (5) by diversity as to aspects; and (6) by diversity as to actors, 27.  
penal statutes to be construed favorably to accused, 28.  
retrospective statute inoperative, 29.  
and so as to *ex post facto* acts imposing severer penalty, 30.  
but procedure may be retrospectively changed, 31.  
State may relieve from punishability by limitation or pardon, 31 a.

OFFENSIVE SHOWS, when a nuisance, 1432.

OFFENSIVE TRADES, when a nuisance, 1413.

when indictable, 1437.

OFFICE, usurpation of, 1838 b.

"OFFICER," meaning of term, 1051.

misconduct by (see MISCONDUCT IN OFFICE), 1568.

resistance to, when indictable, 652.

OFFICER'S APPOINTMENT, when to be proved, 652, 1570, 1617.

OFFICERS.

*Homicide by.*

Killing in obedience to warrant justifiable, 401.  
and so when necessary to effect an arrest, 402.  
murder for officer intentionally to kill a person flying from civil arrest, 403.  
and so in pursuit of criminal charged with misdemeanor, 404.  
otherwise in respect to felonies, 405.  
killing by officer in prevention of escape justifiable, 406.  
so when necessary to preserve peace, 407.  
lawful arrest unlawfully executed imposes responsibility, 408.  
legal warrant necessary, 409.  
private persons interfere at their own risk, 410.  
so as to military and naval officers, 411.  
officer in danger of life may take life, 412.

*Homicide of.*

Intentional killing of officer lawfully arresting is murder, 413.

INDEX.

OFFICERS—(continued).

but manslaughter when arrest is illegal, 414.  
constables and policemen have authority to arrest when public order is threatened, 415.  
bailiff's powers limited to arrest, 416.  
officer executing process must be within jurisdiction, 417.  
notice may be inferred from facts, 418.  
if there be no notice, killing in self-protection is not murder, 419.  
warrant must be executed by party named or his assistant, 420.  
warrant continues in force until executed, 421.  
erroneous or blank warrant inoperative, 422.  
falsity of charge no alleviation, 423.  
warrant without seal is void, 424.  
but not so as to informality not amounting to illegality, 425.  
warrant need not be shown, 426.  
arrest on charge of felony unlawful without warrant, 427.  
arrest may be made during offence without warrant, 428.  
for past offences limited to felonies and breaches of the peace, 429.  
killing of officer arresting on probable felony is murder, 430.  
military and naval officers subject to same rules, 431.  
persons aiding officers entitled to protection of officers, 432.  
so as to private person lawfully arresting independently of officer, 433.  
pursuer must show that felony was committed, etc., 434.  
private person may interfere to prevent crime, 435.  
indictment found, good cause of arrest by private person, 436.  
railway officer may arrest misconducting passenger, 437.  
arrest for breach of peace illegal without *corpus delicti*, 438.  
in cases of public disorder officers may enter houses to arrest, 439.  
private persons interfering to quell riots should give notice, 440.  
must be reasonable grounds to justify arrest of vagrants, 441.  
time of execution of arrest, 442.  
manslaughter when officers take opposite parts, 443.  
A, aiding B, in resisting is in the same position as B., 444.

*Assaults on Officers when in Execution of Duty.*

Illegal official action may be forcibly resisted, 646.  
oppressed party in such case not confined to a resort to law, 647.  
to justify arrest process must be legal, and must be notified, 648.  
ignorance a defence to indictment for resistance, 649.  
indictment need not set forth process in detail, 650.  
municipal and police officers under same sanctions, 651.  
and so of officers charged with process, 652.  
*corruption by officers*, 1572 b.

OFFICERS are entitled to call in aid, 652 a.

when guilty of embezzlement (see EMBEZZLEMENT).

when entitled to administer oath (see PERJURY), 1263.

may use force in discharging duty, 630 a.

INDEX.

OFFICERS—(*continued*).  
when acting illegally may be resisted, 646.  
on steam-engines, responsible for homicide, 337, 347–8, 352.  
public, indictable for embezzlement, 1063.  
OFFICES, conspiracy corruptly to control, 1375.  
OFFICIAL ACTION, when illegal, may be resisted, 646.  
resistance to, when indictable, 652.  
OFFICIAL REPORTS, when privileged, 1635.  
OHIO, distinctive rule as to common law in, 15 a, note.  
OIL, EXPLOSIVE, selling, ignorance no defence to, 88.  
OIL MANUFACTORIES, when a nuisance, 1412, 1437.  
OLD GRUDGE, effect of, in homicide, 477.  
OMISSION, to be indictable, must be defective discharge of duty, 130.  
omissions are breaches of affirmative commands; commissions, of negative commands, 130 a.  
classification of indictable omissions, 131.  
omissions may be malicious as well as negligent, 131 a.  
mere omissions to render help not indictable, 132.  
omission to guard dangerous agency indictable, 133.  
producing homicide, indictability for, 329, 330.  
to give notice, liability for homicide through, 338.  
OPERATIVES, conspiracies by, to affect wages, 1366 *et seq.*  
OPINIONS, when false pretences, 1157–9.  
OPIUM, effects of, as a defence, 66.  
liability for selling, 1506 a.  
OPPRESSION BY OFFICER, indictable, 1572.  
“ORDER,” for payment of money, forgery of, 682.  
ORE, may be the subject of larceny, 865.  
ORIGINAL ENTRIES, may be forged, 666.  
OUT-HOUSE, when subject of burglary, 797.  
OUTLAWS, protected by law, 138.  
OVERT ACT, proof of, in treason (see TREASON), 1810.  
when necessary in conspiracy, 1400.  
OWNER OF HOUSE, may expel intruder by force, 97, 502, 624.  
when guilty of forcible entry, 1101.  
OWNERSHIP, in arson (see ARSON).  
in larceny, how stated (see LARCENY), 932.  
OYSTER-BEDS, when a nuisance, 1483.  
OYSTERS, when subjects of larceny, 873.  
  
PAINTING, not usually forgery, 675.  
PARDON, effect of, 81 a.  
PARENT, liability for misconduct to or neglect of child, 1563.  
indictable for negligent homicide of child, 351.  
right to correct child, 631, 1563.  
may defend child, 494.

INDEX.

PARISH, indictable for neglect as to highways, 1584 a.  
PARTIAL RESPONSIBILITY as a defence, 47.  
PARTICULARS, bill of, in embezzlement, 1048.  
in liquor cases, 1528.  
PARTNER, may be guilty of forgery on partner, 652.  
PARTNERS, not agents, 1054.  
PASS-BOOK, may be forgery of, 664.  
PAWNING, when larceny, 900.  
PEACE, conspiracy to break, 1353.  
“PEACE OF GOD,” meaning of, 310.  
PEACE OFFICERS, killing of or by (see HOMICIDE).  
PENAL STATUTES, to be construed favorably to accused (see STATUTES), 28.  
PENALTIES, cannot be imposed *ex post facto*, 29.  
PENNSYLVANIA, rule as to statutory offences, 27.  
distinctive jurisprudence as to homicide, 376 *et seq.*  
PENSION AGENTS, misconduct by, 1568.  
PENSION PAPERS, forgery of, 682.  
PER INFORTUNIAM, meaning of, 306.  
PERJURY.  
*Wilful.*  
Offence must be wilful, 1245.  
*False and Corrupt.*  
“Falsely” is knowingly affirming without probable cause, 1246.  
probable cause is to be estimated from defendant's standpoint, 1247.  
admissible to prove mistake induced by erroneous representations, 1248.  
and so when advised by counsel, 1249.  
general evil intent may constitute corruption, 1250.  
*Oath.*  
Form of oath is immaterial, if legal, 1251.  
no matter if oath was on *voir dire*, 1252.  
*Party to be charged.*  
Two defendants cannot be joined, 1253.  
perjury though witness is incompetent, 1254.  
and though he be a volunteer, 1255.  
*Before Competent Officer.*  
The false swearing must have been before a competent court, 1256.  
the court must have jurisdiction, 1257.  
proceedings need not have been strictly regular, 1258.  
perjury may be before court-martial, 1259.  
doubts as to ecclesiastical courts, 1260  
grand jury may administer oath, 1261.  
but otherwise unauthorized officer, 1262.  
officer acting as such *prima facie* competent, 1263.  
perjury not extra-territorially punishable, 1264.  
perjury in federal court not punishable by State, 244.

INDEX.

PERJURY—(continued).

State magistrate under act of Congress may administer oath, 1265.  
and so justice of the peace and arbitrators under rule of arbitration, 1266.

*In Judicial Proceeding.*

False swearing must be in judicial proceeding, 1267.

juror indictable for false swearing on *voir dire*, 1268.

voluntary false affidavits are not perjury, 1269.

but otherwise as to statutory affidavit, 1270.

party may be guilty of perjury in his own case, 1271.

no perjury in void suit, 1272.

nor on oath as to future official conduct, 1273.

State courts has ordinarily no jurisdiction of false swearing in federal courts, 1275.

*In Matter Material.*

False swearing must have been in matter material, 1276.

but circumstantiality of detail may be material, 1277.

and so testimony as to credit of witness, 1278.

and so witness's answers on his own cross-examination, 1279.

inadmissibility no test of immateriality, 1280.

admission not conclusive as to materiality, 1281.

*prima facie* materiality is sufficient, 1282.

irrelevant opinions not subjects of perjury, 1283.

materiality is for court, 1284.

*Indictment—“Wilful and corrupt.”*

“Wilful” and “Corrupt” must be charged, 1286.

*Sworn before competent Jurisdiction.*

Oath must be properly set forth, 1287.

detailed authority of record court need not be given, 1288.

otherwise with special statutory officer, 1289.

jurisdiction must be averred, 1290.

and so as to time and place, 1291.

*In a Judicial Proceeding.*

Judicial proceeding must be averred, 1292.

proceedings must appear regular, 1293.

but curable irregularities are not fatal, 1294.

otherwise as to essential conditions, 1295.

by present practice only such averments need be introduced, 1296.

*Setting out of False Matter.*

Verbal exactness as to sworn matter is not essential, 1297.

“substance” and “effect” are enough, 1298.

only alleged falsities need be pleaded, 1299.

*Negating of False Matter.*

Negation of false matter should be express, 1300.

several assignments may be incorporated in one count, 1301.

“belief” must be specifically negated, 1302.

INDEX.

PERJURY—(continued).

ambiguities may be cleared by innuendoes, 1303.

*Materiality.*

Materiality must appear on record, 1304.

*Evidence.*

Oath must be correctly averred and proved, 1305.

whole of testimony is to be considered, 1306.

substance of assignment must be proved, 1307.

one witness enough to prove testimony, 1308.

answers in chancery and depositions to be proved by jurat, 1309.

parol evidence admissible notwithstanding testimony was reduced to writing, 1310.

lost instrument may be proved by parol, 1311.

jurat of officer administering oath is proof of oath, 1312.

substantial variance as to evidence is fatal, 1313.

records must be literally given, 1314.

not necessary to prove appointment of officer, 1315.

proving one assignment is sufficient, 1316.

defendant's contradictory oath not sufficient proof of falsity, 1317.

facts admissible to infer corrupt motive, 1318.

one witness not enough to prove falsity, 1319.

credibility of witnesses is for jury, 1320.

witness may be dispensed with when there is adequate documentary falsification, 1321.

some one assignment should be adequately falsified, 1322.

necessary only that there should be substantial falsification, 1323.

perjury not to be prosecuted during pendency of civil suit, 1324.

all explanatory facts are admissible, 1325.

entire record should be proved, 1326.

defendant's character for truth is admissible, 1327.

*Attempts.*

Attempts at perjury are indictable, 1328.

*Subornation of Perjury.*

To subornation corrupt motive is essential, 1329.

testimony must be material, 1330.

indictment must aver *scienter*, 1331.

*Attempts to Suborn.—Dissuading Witness from appearing.*

Attempts at subornation are indictable, 1332.

and so of dissuading witness from attending, 1333.

*Fabrication of Evidence, 1334.*

PERJURY ABROAD, jurisdiction over, 276, 285.

PERPETRATION OF COLLATERAL FELONY, how far qualifying statutory homicide, 384.

PERSON, INDECENT EXPOSURE OF, 1468.

PERSONAL JURISDICTION, theory of, 284, note.

PETITIONS, when privileged, 1636.

INDEX.

PETIT LARCENY, 862 a.  
no accessories in, 223.

PETROLEUM MANUFACTORIES, when a nuisance, 1412, 1437.

PHILANTHROPIC MOTIVES, no defence to libel, 1607.

PHILANTHROPY, no defence to indictment, 88, 119.

PHYSICAL CAPACITY, when necessary to attempt, 188.

PHYSICAL FORCE (see CAUSAL CONNECTION).

PHYSICIANS, responsible for negligent homicide, 362.  
When death is negligently induced by a physician's misconduct, assailant is not responsible, 157.  
but physician in such cases responsible, 158.  
no defence that death was caused by disease induced by wound, 159.

PHYSICIAN'S NEGLIGENCE, when diverting responsibility, 157.

PICTURES, may be libels, 1604.

"PIECE OF PAPER," when the subject of larceny, 880.

PIGEONS, may be the subjects of larceny, 871.

PIG-STY, when a nuisance, 1412.

PILOT, responsible for homicide, 337.

PIRACY.  
*Definition.*  
Piracy is robbery on the high seas, 1860.  
may be committed by foreigners or by citizens, 1861.  
*Jurisdiction.*  
United States have jurisdiction over vessels without national character, and over citizens on board foreign vessels, 1862.  
*What is Complicity.*  
All aiding are principals, 1863.  
*Privateering.*  
Privateers are not internationally pirates, 1864.  
*Intent.*  
Intent must be felonious, 1865.  
*Belligerents.*  
Belligerents are not pirates, 1866.  
*Indictment.*  
Venue must be in admiralty, 1867.  
count for larceny may be joined, 1868.  
proper technical averments to be made, 1869.

PLANTS, malicious injury to, 1067, 1082 c.

PLURALITY OF OBJECTS, how far producing divisibility, 27.

POISON, negligent exposure of, when indictable, 161-6.  
intentional homicide by, murder in the first degree, 385.  
homicide through negligent use of, 345-6.  
administering, an assault, 610, 612.

POLICE OFFENCES, distinctive character of, 28 a.  
no accessories to, 23 a.  
not subjects of attempts, 177.  
when ignorance is a defence to, 88.

INDEX.

POLICE OFFICERS, killing of, or by (see HOMICIDE).

POLICY LOTTERY (see LOTTERY), 1490.

POLITICAL OFFENCES ABROAD, jurisdiction over, 274.

POLLUTING RIVERS, a nuisance, 1476.

POLYGAMY.  
*Effect of Place of First Marriage.*  
Ordinarily marriage valid by *lex loci contractus* is held valid everywhere, 1683.  
but not so as to converse, 1684.  
*Effect of Time and Place of Second Marriage.*  
Offence indictable in place of arrest, 1685.  
*Third Marriage during Second Bigamous Marriage.*  
Third marriage after second void marriage may not be bigamy, 1686.  
*Accessaries.*  
If a misdemeanor, all concerned are principals, 1687.  
hence person marrying bigamous person is principal, 1688.  
*When Second Marriage was void or voidable.*  
No defence that bigamous marriage was independently voidable, 1689.  
*Where First Marriage was voidable.*  
No defence that first marriage was voidable, 1690.  
*Parties Beyond Seas or Absent.*  
Exception of beyond seas does not apply to cases where offender knows of continuous life of absentee, 1691.  
exception as to other absence only applies to cases where there is no knowledge of such life, 1692.  
exception does not apply to party deserted, 1693.  
*Consummation not necessary, 1694.*  
*Intermediate Divorce.*  
Valid divorce from first marriage is a defence, 1695.  
honest belief in a divorce no defence, 1695 a.  
*Evidence.—Proof of Marriage.*  
In bigamy prior marriage has to be proved beyond reasonable doubt, 1696.  
consensual marriage valid, 1697.  
*lex fori* determines as to requisites, 1698.  
internationally marriage may be proved by parol, 1699.  
where prior consensual marriage is set up, it should not be rested on a mere confession, 1700.  
of foreign marriages registry is best evidence, 1701.  
prior invalid marriages may be ratified, 1702.  
*Proof of Death or Divorce of First Husband or Wife, 1703.*  
Death, if occurring within seven years, must be substantively proved, 1704.  
honest belief in death within that time no defence, 1705.  
presumption of continuance of life depends on circumstances, 1706.

INDEX.

POLYGAMY—(continued).

after seven years, burden is on prosecution to prove knowledge by defendant, 1708.

*Witnesses.*

When first marriage is proved, second wife is a witness, 1709.

other witnesses admissible to prove marriage, 1710.

*Indictment.*

Second marriage must appear to be unlawful, 1711.

variances as to second marriage are fatal, 1712.

exceptions in statute need not be negatived, 1713.

first marriage must be averred, 1714.

*Religious Privilege no Defence.*

No defence that polygamy is a religious privilege, 1715.

POOR-HOUSE KEEPER, may restrain inmate, 685.

POSSESSION of stolen goods, presumption from, 983-4.

POST-MARKS, when proof of mailing, 1621.

POST-OFFICE, OFFENCES AGAINST.

*Obstruction of Mail,* 1822.

*Robbery of Mail.*

Robbery of the mail is where a mail-carrier is robbed by force, 1823.

all concerned are principals, 1824.

"rob" is used as at common law, 1825.

and so is "jeopardy," 1826.

opening and detention of letters, 1826 a.

*Embezzlement from Mail.*

Letter must have been obtained from post-office, 1827.

decoy letter is within statute, 1828.

letter must be taken into defendant's hands, 1828 a.

sufficient if indictment conform to statute, 1829.

*Receiving Embezzled Money, etc.*

Offence analogous to receiving stolen goods, 1830.

*Posting Indecent Matter.*

Such matter excluded from the mail, and posting it indictable, 1831.

so of fraudulent matter, 1831 a.

POULTRY, the subjects of larceny, 871.

POWDER, negligent use of, 166.

homicide, through negligent use of, 344.

when storing is a nuisance, 1413, 1441.

PRACTICAL JOKES, death through, 673 a.

PREGNANCY, stage of, requisite to homicide (see ABORTION, MISCARRIAGE), 692-6.

PRELIMINARY ACTION, when an attempt, 180.

PREMEDITATION, time requisite for, 116, 380.

under homicide statutes, 377 *et seq.*

PREPARATIONS, when indictable, 180.

"PREPENSE," meaning of, 303.

INDEX.

PRESCRIPTION, no defence to nuisance, 1415, 1475.

PRESENCE at a crime not complicity, 211.

when necessary to offence, 206, 219, 246, 284, note.

PRESUMPTION OF INNOCENCE, how affecting degree in murder, 392.

PRESUMPTIONS, STATUTORY, in liquor cases, 1528.

PRETENCES (see FALSE PRETENCES).

PREVENTION, how far a ground for punishment, 2.

how far the object of punishment, 9-12.

PRINCIPALS.

Principal in first degree is actual perpetrator, 206.

presence is not necessary when causal connection is immediate, e. g., when

agent is irresponsible, 207.

accessory before the fact cannot be convicted as principal, 208.

non-resident party may be liable for agent's acts, 209.

wife not ordinarily co-principal with husband, 210.

principals in the second degree are those present aiding and abetting, 211.

mere presence does not involve complicity, 211 a.

capacity to execute not essential, 211 b.

confederacy must be real, 211 c.

mere sympathy not enough, 211 d.

if principal is irresponsible, indictment should not be for aiding and abetting, 212.

confederacy, with constructive presence, may constitute principal, 213.

but act must result from confederacy, 214.

in duels all are principals, 215.

persons abetting suicide are principals in murder, 216.

persons executing parts of crime separately are principals, 217.

persons outside keeping watch are principals, 218.

an abettor must be near enough to give assistance, 219.

persons confederating for wrongful purpose are chargeable with incidental felony, 220.

distinction between two degrees only essential when punishment varies, 221.

conviction of principal in the first degree not a condition precedent to trial of principal in second degree, 222.

in misdemeanors all are principals, 223.

Accessaries before the fact (see ACCESSORYSHIP), 225.

wife may not be liable as accessory, 243.

conviction of principal prima facie evidence of guilt, 244.

indictment must be specific, 245.

where agent acts directly under principal's command, principal liable, 246.

so when agent is in line of principal's business, 247.

non-resident principal intra-territorially liable, 248.

Mispriision—Liability of Extra-territorial Principal.

Extra-territorial principal may be held intra-territorially indictable, 278.

INDEX.

PRINCIPALS—(continued).

agent's act in such case imputable to principal, 246, 279.  
and so of agent's negligence, 135, 341.  
doubts in cases where agent is independently liable, 280.  
law of, as to attempts, 198, 228.

PRISON, BREACH OF, indictability for, 1672.

PRISONER, effecting escape of, 1687.

when guilty of arson in burning cell, 829.

PRIVATE PERSONS, assisting officers, when responsible for homicide, 433–5.

PRIVATE WRONGS, distinguished from public, 15.

PRIVATEERING, not piracy, 1864.

PRIVILEGE, in libel, 1629.

PRIZE-FIGHTS, not a lawful game, 372, 373, 636, 1465 a.  
what constitutes complicity in, 211.

"PROBABLE CAUSE," meaning of, in perjury, 1247.

PROCEDURE, may be retrospective, 31.

PROFANE SWEARER, common, when indictable, 1443.

PROFANITY, public, a nuisance, 1431, 1482.

PROMISES, not false pretences, 1173.

PROMISSORY NOTES, subjects of forgery, 682.

when subjects of larceny, 876, 877.  
when subjects of false pretences, 1196.

PROPERTY, malicious injury to, 1067, 1076, 1082 a, 1082 b, 1082 c.  
owner of, may defend, 100, 501, 505.

claim of, defeats larceny, 884.

PROSECUTE FALSELY, conspiracy to, 1376.

PROSTITUTION (see FORNICATION, HOUSE OF ILL-FAME, NUISANCE).  
enticing for purposes of, 1765.

PROVOCATION.

What justifies an assault, 619.

loss of self-control essential to offence, 455.

words of reproach no adequate provocation for an assault with intent to kill, 455 a.

when person is touched with apparent insolence, then provocation reduces degree, 456.

interchange of blows induced by insulting words reduces to manslaughter, 457.

a slighter provocation extenuates when intent is only to chastise, 458.

husband in hot blood killing adulterer, guilty of manslaughter, 459.

same principle to be extended in cases of punishment, when in hot blood, of attacks on the chastity of persons under the rightful protection of defendant, 460.

killing to redress a public wrong is murder, 461.

a bare trespass on property not an adequate provocation in cases of intentional killing, 462.

INDEX.

PROVOCATION—(continued).

exercise of a legal right no provocation, 463.  
spring-guns illegal when placed on spots where innocent trespassers may wander, 464.

for master of house knowingly to kill visitor is murder, 465.  
when such killing is in hot blood it is manslaughter, 466.

when such killing is in self-defence it is excusable, 467.  
manslaughter to kill master of house expelling defendant with unnecessary violence, 468.

killing a person having legal right to enter room is murder, 469.

a blow is sufficient provocation when parties are equal, 470.

in sudden quarrels immaterial who struck the first blow, 471.

but the blow must have been apparently intended, and naturally calculated to arouse the passions, 472.

cool and deliberate use of disparity to kill is murder, 473.

malice implied from concealed weapon, 474.

where mortal blow was given after deceased was helpless, offence is murder, 475.

and so where attack was sought by person killing, 476.

question of continuance of old grudge is for jury, 477.

malicious killing in another's quarrel is murder, but killing in hot blood is manslaughter, 478.

in interference by friends, hot blood extenuates in proportion to the nearness of the relationship, 479.

cooling time dependent upon circumstances, 480.

restraint or coercion is adequate provocation, 481.

killing in duel is murder, 482.

and this extends to the seconds, 483.

PROXIMATE CAUSE (see CAUSAL CONNECTION).

PUBLIC AND PRIVATE CHEATS, difference to be maintained between, 1127.

PUBLIC CHARITY (see CHARITY).

PUBLIC CHEATS (see CHEAT).

PUBLIC COMFORT (see NUISANCE).

PUBLIC JUSTICE, cheating, 1117.

PUBLIC OFFICERS, appointment of, need not be proved (see OFFICERS), 1570, 1617.  
when indictable for embezzlement, 1063.

PUBLIC PLACE, meaning of, 1465, 1470, 1557.

PUBLIC POLICY, when conferring privilege, 1634.

PUBLIC REPORTS, when privileged, 1636.

PUBLIC RIGHTS cannot be waived by consent, 141, 142.

PUBLIC SPECTACLES, when nuisances, 1464.

PUBLIC SQUARE, obstructing (see NUISANCE), 1473.

PUBLIC WAY, obstruction of, 1473.

PUBLIC WORKS, conspiracy to control, 1371.

INDEX.

PUBLIC WORSHIP, disturbance of, 1556.

PUBLIC WRONGS, distinguished from private, 15.

PUBLICATION, when necessary to a statute, 86.

PUBLICATION OF LIBEL, proof of, 1618.

PUBLISHER, when liable for libel, 1627, 1649.

PUBLISHING forged papers (see FORGERY).

"PUFF," not a false pretence, 1155, 1193.

PUNISHMENT.

*Relative Theories.*

That object of punishment is to prevent offender from further offending, 2.

that the object is public self-defence, 3.

that it is reformation of offender, 4.

that it is to terrify others, 7.

that penal justice is law teaching by example, 9.

*Absolute Theory.*

That punishment is an act of retributive justice to which reformation and example are incidental, 10.

crime, as such, is to be punished by *de facto* government, 11.

prevention of further crimes to be kept in view, 12.

and so the reformation of the offender, 13.

to be only in accordance with law, 139.

cannot be *ex post facto*, 29.

how distributed in cases of continuous offences, 289.

in cases of attempt, 200.

designation of, in homicide, 547.

PURCHASER OF LIQUOR, when indictable, 1529.

PURPORT, meaning of, 787.

PURSUERS, when responsible for homicide, 433-35.

PUTTING IN FEAR (see ROBBERY, THREATS).

QUASI CORPORATIONS, when indictable, 93.

QUICKENING, when essential to offence of foeticide, 592.

QUOITS, a lawful game, 1465 a.

RABBITS, not subjects of larceny, 869.

RAILROAD, indictable for nuisance in obstructing road, 1476.

malicious injury to, 1081.

collisions, liability for, 349, 350.

conspiracy to cheat, 1371.

RAILROAD OFFICERS, responsible for homicide, 337, 347.

negligence by (see NEGLIGENCE).

power of to arrest passengers, 437, 623-28.

RAILROAD PASSENGER, when to be expelled from cars, 623.

RAILROAD TICKETS, subjects of forgery, 685.

INDEX.

RAPE.

*Definition.*

Intent to use force necessary, 550.

*Defendant's Capacity to commit Offence.*

Under fourteen, boy presumed to be incapable of offence, 551.

impotency a defence, 552.

husband may be indicted as accessory, 553.

all aiders may be principals in second degree, 553 a.

*In what Carnal Knowledge consists.*

Penetration must be proved, but not emission, 554.

*In what Want of Will consists.*

"Against her will" is equivalent to "without her consent," 556.

acquiescence through fear is not consent, 557.

nor is acquiescence of infant, 558.

question of acquiescence through fraud, 559.

and of acquiescence through mental disorder, 560.

nor acquiescence of married woman under mistake, 561.

nor acquiescence obtained by artificial stupefaction, 562.

acquiescence after act no defence, 562 a.

how far fraud is equivalent to force, 563.

prior unchastity of prosecutrix no defence, 564.

*Party aggrieved as a Witness.*

Testimony of prosecutrix should be corroborated, 565.

may be corroborated by her own prior statements, 566.

such evidence to be confined to corroboration, 567.

may be impeached by proof of bad character for chastity, and in some States by proof of prior immoral acts, 568.

*Pleading.*

Two defendants may be joined as principals, 569.

rape may be joined with assault, 570.

allegation of assault is unnecessary, 571.

age need not be averred, 572.

"ravish," and "forcibly and against her will," are essential, 573.

sex need not be averred, 574.

defendant may be convicted of minor offence, 575.

*Assault with Intent to Ravish.*

Assault may be sustained when rape is not consummated, 576.

force to be inferred from circumstances, 576 a.

assent bars prosecution if knowingly given by person capable of assenting,

577.

*Carnal Knowledge of Children, 578.*

REAL JURISDICTION, theory of, 284, note.

REASONABLE DOUBT, 27, 28, 892.

REASONABLE MAN, not a standard of party's sense of danger, 489.

RECEIPTS, subjects of forgery, 682.

of larceny, 876-80.

INDEX.

RECEIVING EMBEZZLED GOODS, 1064.  
RECEIVING GOODS OBTAINED BY FALSE PRETENCES.  
Receiving goods so obtained is indictable, 1235.  
RECEIVING MONEY embezzled from mail, 1830.  
RECEIVING STOLEN GOODS.  
*Offence generally.*  
Receiving is a substantive offence, 982.  
fact of stealing may be proved by testimony of thief, but not by his confessions, 982 a.  
guilty knowledge must be proved, 983.  
such knowledge may be inferred, 984.  
inference may be derived from possession, 985.  
if larceny be proved, defendant cannot be convicted of receiving, 986.  
claim of title is a defence, 987.  
honest intent is a defence, but need not be *lucri causa* if intent be fraudulent, 988.  
if charge be joint, joint act of reception must be proved, 989.  
receiving must be substantively proved, 990.  
reception must be from thief, 990 a.  
goods must be of some value, 990 b.  
receiving goods with intent to receive reward is within rule, 991.  
by wife from husband, 83.  
by husband from wife, 83.  
wife cannot be convicted of receiving goods stolen by husband; but husband is responsible for coining at his wife's guilty reception, 992.  
reception against will of thief is not within rule, 993.  
conflict as to whether indictment lies in one State for receiving goods stolen in another, 994.  
place of reception to be inferentially proved, 995.  
reception after statutory larcenies indictable, 996.  
*Indictment.*  
Name of thief need not be given, 997.  
not necessary to aver conviction of thief, 998.  
*scienter* and unlawfulness necessary, 999.  
time and place need not be stated, 1000.  
"taking" or "stealing" must be averred, 1001.  
goods must be accurately described, 1002.  
value must be averred, 1003.  
counts may vary with ownership, 1004.  
counts for larceny and receiving may be joined, 1005.  
simultaneous reception of goods of different owners not one offence, 1006.  
RECORDS, the subjects of forgery, 683.  
RECRUITING in foreign war, when indictable, 1904.  
REFORMATION, how far the object of punishment, 13.  
REGRATING, indictable at common law, 1849.  
RELATION, may be defended by force, 97, 629.

INDEX.

RELATIVE THEORIES OF PUNISHMENT, 23.  
RELIGION, how far to be protected, 20.  
offences against (see *NUISANCE*), 1421.  
RELIGIOUS MEETINGS, disturbance of, when indictable, 1556 a.  
RELIGIOUS PRIVILEGE, no defence to bigamy, 1715.  
REMEDIES, PUBLIC AND PRIVATE, distinction between, 15.  
REPAIR OF HIGHWAY, 1584 a.  
REPUTATION, not admissible to prove nuisance, 1430.  
RESCUE OF PRISONER, indictability for, 1680.  
RESISTANCE TO ILLEGAL OFFICIAL ACTION, when justifiable, 646.  
RESISTANCE TO OFFICERS, when indictable, 648 *et seq.*, 652.  
RESPONDEAT SUPERIOR, defence of, 94.  
in homicide, 310.  
RESPONSIBILITY, character of, 93.  
modified, 47.  
RESTORING STOLEN GOODS (see LARCENY), 981.  
"RETAIL," meaning of, 1514 a.  
RETREAT, when a defence to attempt, 188.  
when necessary to self-defence, 486 a.  
RETribution, how far the object of punishment, 10.  
is basis of self-defence, 97, note.  
RETROSPECTIVE STATUTES, effect of, 29.  
inoperative, 29.  
and so as to *ex post facto* acts imposing severer penalty, 30.  
but procedure may be retrospectively changed, 31.  
REVENUE, conspiracy to defraud, 1356, 1373.  
REVENUE LAWS, no defence to liquor selling, 1531.  
REVOLT, AND ENDEAVORING TO MAKE REVOLT.  
*In what Revolt consists.*  
Revolt consist in usurpation of ship, 1876.  
under Act of 1835, intimidation must be effective, 1877.  
to the endeavor to revolt some overt act is necessary, 1878.  
necessity is a defence, 1879.  
*Indictment.*  
Indictment must particularize offence, 1880.  
*Confining Master.*  
confinement must be malicious and real, 1881.  
necessity or self-defence may be a defence, 1882.  
RIDING, careless, homicide through, 353-4.  
"RIGHT AND WRONG," test of, in insanity, 35.  
RIGHTS, may always be defended, 98.  
how far to be waived by consent, 141.  
"RING-DROPPING," when larceny, 984, 973.  
RIOT, ROUT, AND UNLAWFUL ASSEMBLY.  
*Unlawful Assembly.*  
Unlawful assembly is an assembly threatening a tumultuous disturbance of the public peace, 1535.

## INDEX.

### RIOT, ROUT, AND UNLAWFUL ASSEMBLY—(continued).

#### *Riot.*

Riot is attempt at riot, 1536.

#### *Riot.*

Riot is a tumultuous disturbance of public peace with mutual unlawful purpose, 1537.  
must be unlawful assembly, 1538.  
meeting must be likely to inspire terror, 1539.  
riotous tumultuously to assert legal right, 1540.  
riot act need not be read, 1541.  
all present and not suppressing are participants, 1542.  
defendant's purpose may be material, 1543.  
enough if individuals only are terrified, 1544.  
three or more persons are necessary to constitute offence, 82, 1545.  
indictment must contain proper technical terms, 1546.  
system must be proved in order to introduce other riots, 1547.  
order of evidence is at discretion of court, 1548.  
force excusable in defence of home, 1549.  
may be conviction of lesser offence, 1550.

#### *Affray.*

Affray is a sudden free fight, 1551.  
quarrelsome words are no affray, 1552.  
otherwise as to wearing dangerous weapons with violent language, 1553.  
indictment must contain technical averments, 1554.

#### *Power of Magistrate in dispersing.*

Magistrate may disperse unlawful assembly, 1555.

#### *Disturbance of Meetings.*

Such disturbance indictable, 1556.  
so as to religious services, 1556 a.

#### *Wearing Concealed Weapons.*

Indictable by statute, 1557.

### RIOT ACT, not necessary to constitute riot, 1541.

### RIOTERS, not liable for collateral crimes, 397.

### RIOTOUS HOMICIDES.

In cases of killing in war against government for private purposes indictment should be for murder, 226, 395.  
co-rioters principals in riotous killing, 396.  
but not in collateral crimes, 397.  
presence without intent to kill involves manslaughter, 398.  
killing by lynch-law is murder in first degree, 399.  
if there be cooling time, offence may be murder, 399 a.  
private persons may kill in suppression of riot, 400.  
not treason, 395.

### RIVERS, obstruction of, 1477, 1479.

### ROADS, obstruction (see NUISANCE), 1478.

## INDEX.

### ROBBERY.

#### *From the Person or in the Presence.*

Robbery must be from the person or in the presence of prosecutor, 847.

#### *Must be Animo Furandi.*

Goods must be taken *animo furandi*, 848.

#### *Taking and carrying away.*

Goods must be taken and carried away, 849.

#### *Force or Fear.*

Taking must be through force or fear, 850.

#### *Nature of Threats.*

Threat calculated to produce terror sufficient, 851.

#### *Charging Unnatural Crime.*

Extortion by charging unnatural crime is robbery, 852.

#### *Defendant having Title.*

Where goods are taken under claim of title offence is not made out, 853.

#### *Snatching.*

Snatching without struggle is no robbery, 854.

#### *Against the Will.*

Taking must be against the will, 855.

#### *Consent.*

No defence if obtained by fear, 856.

#### *Indictment.*

Proper technical averments must be made, 857.

may be a conviction of larceny, 858.

### ROBBERY OF MAIL, 1823.

### ROUT, when indictable, 1536.

### ROWING MATCHES, a lawful game, 1465 a.

### SABBATH, public desecration of, a nuisance, 1481.

statutes as to (see SUNDAY), 1481 a.

### SACRIFICE OF LIFE, when imperative, 94, 510.

### SAILOR, forcing on shore, 1885.

maltreatment of, 1871.

### SALE, how affecting larceny, 971-2.

of intoxicating liquors (see INTOXICATING LIQUORS).

### "SAMPLE," false, may be a false pretence, 1156.

### SCANDAL, how far indictable (see NUISANCE), 19.

### SCANDALOUS GAMES, when indictable, 1461.

### SCANDALOUS SHOWS, when indictable, 1482.

### SCANDALOUS PROFANITY, when a nuisance, 1481.

### SCHOOL-MASTER, may correct pupil, 682.

homicide by, through chastisement, 374.

### SCHOOLS, laws as to selling liquor near, 1512 c.

### SCIENTER, proof of in false pretences, 1185.

and in uttering, 703, 742.

INDEX.

SCIENTER—(*continued*).

necessary in indictment for false pretences (see generally KNOWLEDGE), 1225.

SCOLD, COMMON, when indictable, 1442.

SEA, offences on, jurisdiction of, 269.

offences at sea cognizable in country of flag, 269.

federal courts have jurisdiction of crimes on high seas out of State jurisdiction, 270.

sovereign has jurisdiction of sea within cannon shot from shore, 270 a.

piracy on, 1860.

SEAMEN, forcing on shore, 1886.

maltreatment of, 1871.

SEA-WEED, when the subject of larceny, 863.

SECOND DEGREE, principals in, 206, 211.

murder in, 376 *et seq.*

SECONDS in duels, responsible for murder, 489, 1767.

SECURITY, no defence to assault, 615.

SECRETING GOODS, WITH INTENT TO DEFRAUD.

secretting goods made indictable by recent statutes, 1239

secretting or assigning must be actual, 1240.

intent or *scienter*, must be shown, 1241.

SE DEFENDENDO, homicide by, 806.

SEDITION ABROAD, jurisdiction over, 274.

SEDITIONOUS CONSPIRACIES (see TREASON), 1956.

SEDITIONOUS LIBELS, 1611, 1615.

SEDUCE, conspiracy to, 1361.

SEDUCTION.

Statutory requisites must be followed, 1756.

prior chaste character is essential to offence, 1757.

promise of marriage must be proved, 1758.

consent no defence, 1759.

subsequent marriage a defence, 1760.

ignorance or infancy no defence, 88, 1761.

indictment must follow statute, 1762.

prosecutrix as a witness must be corroborated, 1763.

may be conviction of minor offence, 1764.

merger in rape, 1764 a.

"enticing" for prostitution a distinct offence, 1765.

SEIZURE, of prohibited liquors, 1528 a.

SELECTMEN, indictable for embezzlement, 1063.

SELF-DEFENCE (see HOMICIDE), 97, 484.

distinguishable from necessity, 97.

how far a ground for punishment, 3.

various theories of, 97, note.

SERVANT, indictable for appropriating goods not yet come to master, 1009.

larceny by at common law cannot be embezzlement under statute, 1009.

INDEX.

SERVANT—(*continued*).

statutes make it embezzlement for servant or clerk to appropriate master's goods before he receives them, 1010.

employment need not be permanent, 1011.

mere volunteer not within the statute, 1012.

servant employed to change note or sell produce is within statute, 1013.

compensation is requisite to constitute service, 1014.

members of societies or partners not servants within statute, 1015.

goods may be followed through successive reinvestments, 1016.

the "servant" need not be the servant of the prosecutor, 1017.

servant includes employés of all kinds, 1018.

but not those invested with fiduciary discretion, 1019.

middleman is not a servant, 1020.

"clerk" includes commercial traveller, 1021.

"agent" is wider in meaning than clerk, 1022.

"virtue of employment", as test in old statutes, 1023.

not necessary that thing embezzled should have been received in direct conformity with employer's directions, 1024.

prosecutor's title not material as against third person, 1025.

servant of joint masters may be averred to be servant of either, 1046.

embezzlement may be joined with larceny, 1047.

bill of particulars may be required, 1048.

cannot be corrected forcibly by master, 684.

maltreatment of, 1563 *et seq.*.

command of master no defence, 94 a.

SERVANTS, may defend master, 494.

larceny by (see LARCENY), 956.

SEXUAL INTERCOURSE, proof of, 1733, 1744.

SHEEP, the subjects of larceny, 871.

malicious injury to, 1082 d.

SHIP, destroying with intent to defraud underwriters, 1894.

SHIPWRECK, homicide from necessity in, 511.

SHOOTING, malicious, with intent to kill, 641, 645 a.

negligent, homicide through, 844.

"SHOP," may be subject of burglary, 792.

SHOWS, public, when indictable (see GAMES), 1432, 1468.

SHRUBS, malicious injury to, 1067, 1082 c.

SIGNS, may be libels, 1604.

SLANDER, when indictable, 1603.

SLAUGHTER-HOUSES, when nuisances, 1412.

SLAVE-TRADE, engaging in, 1889.

SMELLS, when nuisances, 1412..

SMOKE, when a nuisance, 1412.

SMOKE-HOUSE, when subject of burglary, 788

SNATCHING, not robbery, 854.

SOCIAL CONTRACT, a basis of self-defence, 97, note.

INDEX.

SODOMY, nature of offence, 579.  
proof of penetration required, 579.  
consent no defence, 580.  
threatening to charge, 852.  
SOLDIER, seizure by, not larceny, 890.  
when excused in obeying orders, 94, 310.  
SOLICITATIONS, not usually indictable, 179.  
SOLICITATIONS TO ADULTERY, 1738.  
SOMNAMBULISM, as a defence, 66.  
SOVEREIGNS, offences against, conflict as to, 293.  
SPARRING MATCHES, death through, 372.  
SPECIALIST, liability of, 125.  
"SPECIFIC INTENT," requisite under homicide statutes, 377 *et seq.*  
SPECTACLES, public, policy of (see GAMES, NUISANCE), 371-3, 1461.  
SPEECHES, legislative, when privileged, 1634.  
SPIRITING AWAY WITNESS, 1833.  
SPIRITUALISTIC CAUSATION, not recognized in law, 167.  
"SPIRITUOUS," meaning of (see INTOXICATING LIQUORS), 1505.  
SPORT, assault in, an offence, 378 *a*, 608 *a*.  
SPORTS, ATHLETIC, death through, policy of, 371-3.  
SPORTS, CRUEL, indictability of, 1066, 1465 *a*.  
SPRING-GUNS, homicide by, 464.  
SPURIOUS PAPER, passing, when a cheat at common law (see CHEATS).  
forgery of (see FORGEBY).  
STABLES, when a nuisance, 1412, 1437.  
STAMPS, need not be given in indictment, 732.  
STAMPS, FALSE, when cheats at common law, 1125.  
STARVING, of dependent, 1563 *et seq.*  
STATE, may relieve from punishability by limitation or pardon, 31 *a*.  
how far having jurisdiction abroad, 272.  
having conflicting jurisdiction, 293.  
particular, treason against (see TREASON), 1812.  
how far having jurisdiction over offences at sea, 270 *et seq.*  
STATE COURTS, when depositaries of federal jurisdiction, 264, 265, 266.  
when having jurisdiction of *habeas corpus* in federal cases, 267.  
STATE MAGISTRATE, when entitled to administer federal oath, 1265.  
STATUS, false pretence as to, 1139.  
STATUTE OF LIMITATIONS, effect of, 31 *a*.  
STATUTES, operate without specific punishment imposed, 24.  
must be followed, 25.  
to be construed strictly, 28.  
resistance to, when treason, 1796.  
when publication of, is necessary, 86.  
STATUTORY affidavit, when perjury, 1270.  
officers, when indictable for misconduct, 1568.  
penalties, when cumulative, 26.

INDEX.

STEAMBOAT OFFICERS, statutory liability of, 950.  
STOLEN GOODS, receiving (see RECEIVING STOLEN GOODS), 982.  
may be followed in assignee's hands, 981 *a*.  
larceny of, from thief, 882 *a*, 945.  
restoring (see LARCENY), 981.  
"STOREHOUSE," when subject of burglary, 795.  
STRANGERS, when indictable in place of allegiance, 282.  
STRAY, stealing of, larceny, 863.  
STREAM, obstructing (see HIGHWAY, NUISANCE), 1477.  
STREETS, obstructing (see HIGHWAY, NUISANCE), 1473.  
STREET-WALKERS, right to arrest, 441.  
who are, 1446.  
"STRIKE," meaning of, in indictment for murder, 581.  
STRIKES, conspiracy to effect, when indictable, 1366.  
STUPEFACTION, as a defence, 66.  
rape effected by, 562.  
SUBALTERN, when justified by order of superior, 94, 310.  
SUBJECTIVE ATTEMPTS, when indictable, 182, note.  
SUBJECTIVE JURISDICTION, theory of, 284, note.  
SUBJECTS ABROAD.  
Subjects may be responsible to their own sovereign for offences abroad, 271.  
apportionment of sovereignty between federal and State governments, 723.  
jurisdiction over political offences abroad, 274.  
political extra-territorial offences by subjects are punishable, 275.  
perjury and forgery before consular agents punishable at home, 276.  
homicide by subjects abroad punishable in England, 277.  
SUBORDINATE, when justified by order of superior, 94, 310.  
SUBORNATION OF PERJURY.  
To subornation corrupt motive is essential, 1329.  
testimony must be material, 1330.  
SUICIDE, principals in, 216.  
how far penal, 328, 458.  
surviving principal in suicide indictable for murder, 448.  
at common law no conviction of accessories before the fact, 449.  
killing when assisting in producing abortion, 450.  
consent of deceased no bar to prosecution, 451.  
killing another with his consent to avoid greater evil, 452.  
killing another incidentally to suicide is manslaughter, 453.  
attempt to commit suicide is a misdemeanor, 454.  
SUNDAY, public disturbance of, a nuisance, 1431.  
right to arrest on is limited, 442.  
SUNDAY LAWS, obligatory, 1431 *a*.  
how affected by necessity, 95, 1431 *c*.  
limitation of, 1431 *b*.  
SUPERIOR AUTHORITY, as a defence, 94, 310.

INDEX.

SUPERIOR DUTY, homicide in, 509.  
SUPERNATURAL POWER, false pretence as to, 1140.  
causation by, 167.  
SUPERVISORS OF ELECTIONS, federal statute regulating, 1841 a.  
SUPREME COURT OF THE U. S. (see COURTS, JURISDICTION), no  
common law criminal jurisdiction, 253.  
SURGEON, responsibility for negligent homicide, 362.  
negligence of, when diverting responsibility, 157.  
SURGICAL OPERATIONS, how far requiring consent, 144.  
effect of in causing death, 144, 157, 362.  
SWINE, the subjects of larceny, 871.  
when nuisances, 1412.  
SYMPATHY does not constitute co-operation, 211 d, 227, 1340, 1402  
nor breach of neutrality, 1902.

TALLOW CHANDLERY, when a nuisance, 1412.  
TAME ANIMALS, may be subjects of larceny, 874.  
TANNERIES, when a nuisance, 1412, 1437.  
TAVERN KEEPER, liable for neglect, 1587.  
TAVERNS, when nuisances, 1412, 1454, 1498.  
TEACHER, right to chastise child, 632.  
misconduct by, 1563 *et seq.*  
TELEGRAPHIC MESSAGES, subjects of forgery, 682.  
TELEGRAPHIC POSTS, when a nuisance, 1473.  
TENANT, when to be forcibly expelled, 1100.  
TENEMENT HOUSES, burglary in, 788.  
TENNESSEE, homicide statute of, 876.  
"TENOR," meaning of, 737.  
TERRITORIAL JURISDICTION, theory of, 284, note.  
TERROR, death through, 164.  
TEXAS, homicide statute, 377.  
THEATRE, disturbance of audience in, 1353, 1543.  
when a nuisance, 1412, 1492 b.  
THREATENING LETTERS, 1664.  
THREATS, when indictable, 1666 a, b.  
when conducing to robbery, 851, 852, 1664.  
THREATS OF FORCE, when an assault, 607.  
TICKET FOR LOTTERY, meaning of, 1490.  
TICKETS, the subjects of forgery, 685.  
TIME, in burglary (see BURGLARY).  
length of, no defence to nuisance, 1415.  
TIPPLING-HOUSES (see DISORDERLY HOUSES), 1454.  
TITLE, defeats larceny, 884.  
a defence to malicious injury, 1072 a, 1077.  
when at issue in forcible entry, 1102-4.  
TOKEN, false, cheating by, 1118, 1119.

INDEX.

TOWN MEETINGS, disturbance of, 1556.  
TOWN OFFICERS, indictable for embezzlement, 1063.  
for non-repairing highway, 1584 a.  
indictable for neglect as to highways, 1584 a.  
TOWNSHIPS, when indictable, 98.  
TRADE, conspiracy to affect, 1366 *et seq.*  
TRADE-MARKS, subjects of forgery, 690.  
false, when cheats at common law, 1125.  
TRADES, offensive, when indictable, 1457.  
TRADES UNIONS, indictability of, 1366.  
TRAINS, malicious injury to, 1081.  
negligence in running, 837.  
"TRAMPS," right to arrest, 441.  
TRANSPORTATION, in larceny, how affecting jurisdiction, 291.  
TRAP, how far precluding prosecution, 149, 231 a.  
TRAPPING ANIMALS, when larceny, 925.  
TRAVEL, interference with (see NUISANCE), 1474.  
TRAVELLER, commercial, when guilty of embezzlement, 1021.  
TREASON.  
*Treason against the United States.*  
Constitution and statutes, 1782.  
constitutional and statutory definition of treason, 1782.  
punishment, 1783.  
misprision, 1784.  
seditious conspiracy, 1785.  
enlisting persons to serve against United States, 1786.  
offence of persons so enlisted, 1787.  
aiding in rebellion, 1788.  
corresponding with foreign government, 1789.  
common law offence consists in levying war or in adhering to enemies, 1790.  
*Levying War.*  
Term to be accepted in its prior judicial meaning, 1791.  
all concerned in levying war are principals, 1792.  
but there must be an overt act of war, 1793.  
number engaged is not material, 1794.  
*Direct* levying of war is attack on government's forces or ports, 1795.  
*Constructive* is where it is intended to effect change in government by force, 1796.  
but war to effect private ends is not treason, 1797.  
not necessary to treason that a battle should be fought, 1798.  
belligerent insurgents are not indictable for treason, 1799.  
belligerent rights do not protect illegitimate warfare, 1800.  
*Adhering to Enemies of the United States.*  
This clause does not cover aid or sympathy given to a rebellion, 1801.  
otherwise as to aid given to hostile foreign State, 1802.

INDEX.

TREASON—(continued).

obedience to *de facto* government is a defence, 1803.  
and so of compulsion, 1803 *a*.  
home government may punish its subjects for political offences abroad, 1804.  
and so for intra-territorial offences by aliens, 1805.

*Indictment.*

Overt acts must be laid in indictment, 1806.

*Evidence.*

Confederacy must be proved, 1807.  
must be two witnesses to one overt act, 1808.  
confessions admissible as corroborations, 1809.  
place of overt act has jurisdiction, 1810.  
no defence that defendant believed he was exercising a right, 1811.

*Treason against the particular States.*

Such treason is an offence at common law, 1812.  
no recent convictions of this offence, 1813.  
does not necessarily include treason against the United States, 1814.  
but does include all treason against government except such as is aimed at

United States, 1815.

otherwise when United States interposes, 1816.  
is not absorbed in treason against United States, 1817.  
covers cases of open attacks on State government, 1818.  
analogies from foreign jurisprudences, 1819.  
all are principals in, 224.  
venue in case of, 287.

TREASON ABROAD, jurisdiction over, 274.

TREASURE TROVE, not subjects of larceny, 863.

TREES, malicious injury to, 1067, 1082 *c*.

TRESPASS, conspiracy to commit, not indictable, 1350.

no defence to murder, 462, 500.  
when malicious mischief, 1068.  
forcible, indictment for, 1092.  
distinguished from larceny, 885 *et seq.*

TRESPASSER, may be removed by force, 624.

"TRUSTEE," meaning of term, 1052.

*Trustees appropriating Goods received bond fide.*

Statute covers cases of trustees or agents fraudulently appropriating goods received *bond fide* for principal, 1049.  
if case is larceny at common law, prosecution falls, 1050.  
"officer" may be a *nomen generalissimum*, 1051.  
"trustee" is one holding property for another, 1052.  
fraud to be inferred from circumstances, 1058.  
"agents," 1058 *a*.  
no defence that money received was under restricted limit, 1026.

INDEX.

"TRUSTEE"—(continued).

if case is larceny at common law it is not embezzlement, *e.g.*, where goods are taken after reaching master, 1027.

embezzlement covers only cases which common law larceny does not include, 1028.

diverging views in New York, 1029.

fraud is to be inferred from facts, 1080.

no defence that money was received from another servant, 1031.

goods must have been received on account of master, 1032.

goods must not belong to the defendant, 1033.

middleman may be prosecutor, 1034.

corporation may be prosecutor, but not illegal corporation, 1035.

no defence that a worthless security was given in place of that embezzled, 1036.

conversion of produce enough, 1037.

no defence that principals have no title to money, 1038.

no defence that a trap was laid for the defendant, 1039.

defendant may be tried in any place of embezzlement, 1040.

embezzlements created by federal statutes must be tried in federal courts, 1041.

simultaneous embezzlements may be joined, 1042.

fiduciary relations must be averred, 1043.

goods embezzled must be accurately stated, 1044.

copartners and members of common society not "agents," 1054.

"bailee" to be used in restricted sense, 1055.

person not capable of contracting may be bailee, 1056.

goods need not have been received from prosecutor, 1057.

conversion must be inconsistent with bailment, 1058.

some act of conversion must be in jurisdiction, 1059.

indictment must conform to statute, 1060.

special conditions of particular statutes must be satisfied, 1061.

at common law, indictment for larceny is not enough, 1062.

evidence inferential, 1062 *a*.

TRUSTEES, larceny by or from (see LARCENY).

TRUTH, admissibility in libel (see LIBEL), 1648.

TURKEYS, larceny of, 871.

TURPENTINE, may be subject of larceny, 865.

UNCONSCIOUSNESS, as a defence, 66.

rape effected through, 562.

UNDERWRITERS, burning vessel, with intent to defraud, 843.

destroying vessel, with intent to defraud, 1894.

UNINTENDED HOMICIDE, how far imputable, 915 917-18, 920.

UNINTENDED INJURY, when imputable, 119.

UNITED STATES, treason against (see TREASON)

conspiracy to commit offences against, 1356 *a*.

INDEX.

UNITED STATES COURTS (see JURISDICTION).

have no common law powers, 253.

specification of statutory jurisdiction, 256-62.

UNITED STATES JURISDICTION, through consuls, 278.

UNITED STATES STATUTES, as to embezzlement, 1041.

UNIVERSAL JURISDICTION, theory of, 284, note.

UNKNOWN OWNERSHIP, how laid, 949.

UNLAWFUL ASSEMBLY, when indictable, 1535.

UNLAWFUL SPORTS, death through, 372.

UNNATURAL CRIMES (see SODOMY).

when threatening to charge is robbery, 852.

UNWHOLESOME FOOD, cheating by, 1117-18.

selling indictable, 1434.

USURPATION OF OFFICE (see ELECTIONS, TREASON), 1838 b.

USURPING COMMAND OF SHIP, 1876.

UTILITARIANISM, a ground for self-defence, 97, note.

UTTERING FORGED PAPER OR COUNTERFEIT COIN (see FORGERY).

VAGRANTS, right to arrest, 441.

VALUE, essential to larceny, 882 b.

VALUE OF CHOISES IN ACTION, how proved, 882.

VALUE OF GOODS, how to be averred (see LARCENY), 951.

VARIANCE in indictment of murder, 520.

VEGETABLES, when subjects of larceny, 860.

VENDEE, larceny from (see LARCENY), 971.

in liquor cases, when indictable, 1529.

VENUE in conspiracy, 1897.

in false pretences, 1206.

in cases of uttering forged paper, 711.

VERDICT, in attempt, 199.

in conspiracy, 1407.

in homicide, 541.

conviction or acquittal of manslaughter acqnts of murder, 541.

jury may convict of minor degree, 542.

verdict must specify degree, 543.

at common law can be no conviction of assault on indictment for murder, 544.

in excusable homicide verdict is not guilty, 545.

may be accessory to murder in second degree, 546.

when requisite, verdict must designate punishment, 547.

in cases of accessories, 239.

in murder, should specify degree, 394.

in larceny, 980.

VESSEL, destroying with intent to defraud underwriters, 1894.

offences on board (see CONFINING MASTER, JURISDICTION, MALTREATMENT OF CREW, PIRACY, REVOLT).

INDEX.

VIGNETTES, need not be giving in indictment, 731.

VIRGINIA, homicide statute of, 276 *et seq.*

VOLENTI NON FIT INJURIA.

A party may by assent to an injury bar a prosecution—*Volenti non fit injuria*, 141.

but not as to public criminal immoralities, 142.

nor as to inalienable rights, 143.

consent will not excuse the taking of life, 144.

nor the deprivation of liberty, 145.

nor waive constitutional rights of trial, 145 a.

capacity to consent and actual consenting requisite, 146.

contributory negligence may be a defence, 147.

laches on prosecutor's part may be a defence, 148.

trap laid by prosecutor not ordinarily a defence, 149.

consent obtained by fraud is no defence, 150.

VOLUNTARY ESCAPE, indictable, 1678.

VOLUNTEERING IN FOREIGN WAR, when indictable, 1904.

VOTING, ILLEGAL.

*Voting*, a public franchise, 1832.

conspiracy to interfere with indictable, 1372, 1373.

violent interference with, a common law offence, 1848 a.

illegal voting a misdemeanor, 1832 a.

proof to be the best obtainable, 1832 b.

no defence that election was voidable, 1833.

no merger in perjury, 1834.

ignorance of disqualification no defence, 1835.

*Indictment against Voter.*

Indictment must aver election, 1836.

must specify disability, 1837.

double voting to be specified, 1838.

statutory terms must be used, 1838 a.

*Indictment against Officers.*

Usurpation of office indictable, 1838 b.

defendants cannot be joined, 1839.

indictment may be single, 1840.

fraud or breach of duty must be specially averred and proved, 1841.

U. S. marshal limited by statute, 1841 a.

duty must be specified, 1842.

office to be averred, 1843.

and so of *scienter*, 1844.

*Evidence.*

Sufficient to prove officer to be acting as such, 1845.

where there is discretion, no liability for errors of judgment, 1846.

*Attempt.*

Attempt is at common law indictable, 1847.

INDEX.

VOTING, ILLEGAL--(continued).

Bribery by Candidates.

Corruption by candidates indictable, 1848.

WAGERS, illegal (see GAMBLING), 88, 1371.

WAGES, conspiracies to raise or depress, 1366 *et seq.*

WAIFS, not subjects of larceny, 863.

WAR, homicide in, effect of, 310.

treason in levying (see TREASON).

belligerents (see BELLIGERENTS).

laws regulating, 294-5.

WAREHOUSE, may be subject of burglary, 793.

WARRANT, when necessary to justify arrest, 409, 417, 419.

WARRANTY, false, when a false pretence, 1161.

WATER, when the subject of larceny, 863.

unwholesome, when a nuisance, 1434.

polluting when indictable, 1477.

WAY (see HIGHWAY).

WEALTH, false pretence of, 1135.

WEAPON, inference from, in determining degree of murder, 381.

inference to be drawn from, 108, 474.

concealed, when carrying, an offence, 1567.

WEAPON OF DEATH, how to be averred, 519.

WEAPONS, DANGEROUS, assaults with, 645 *d.*

WHARF, when a nuisance to river, 1481.

obstruction of, 1477.

WHIPPING, death through, 374.

WIFE, indictability of, in connection with husband, 75.

may be guilty of larceny in taking husband's goods when eloping with paramour, 917.

cannot be convicted of receiving from husband, 992.

husband indictable for neglect of, 1568-7.

WILD ANIMALS, not subjects of larceny, 869.

"WILFUL," meaning of, 1245.

under homicide statutes, 378.

WILL, causes whatever effect it coöperates in producing, 152.

a cause is that which turns the balance, 153.

other conditions coöperating do not affect the responsibility of one who operates with these conditions, 154.

otherwise when subsequent conditions occur to vary result, 155.

want of, meaning in rape, 656.

WINDOWS, malicious breaking of, 1067, 1068.

WITCH, false pretence of being, 1140.

WITCHERY, obtaining goods by, when larceny, 964.

cheating by, 1140.

causation by, 167.

WITCHES, not by law punishable, 167.

INDEX.

WITNESS, dissuading from attending, 1333.

WITNESSES ON TRIALS, when statements are libellous, 1638.

two necessary to prove treason, 1808.

as to insanity, 56.

as to perjury, 1308 *et seq.*

when accomplices (see DECOYS), 146, 1828.

WITNESSING A CRIME does not constitute complicity, 211.

WOMAN, abduction of, 586.

WOOL, the subject of larceny, 871.

WORDS do not constitute an attempt, 174.

unwritten, when libels, 1603.

WORKMEN, conspiracies by to affect labor, 1366.

WORSHIP, disturbance of, 1556 *a.*

WOUND, meaning of term, 533.

description of, in indictment for murder, 532.

mayhem in producing, 581.

WOUNDING, indictment for, 645 *d.*

WRECK, producing with intent to defraud, 1864.

WRESTLING MATCHES, a lawful game, 1465 *a.*

WRONG, meaning of, as test in insanity, 36.

sense of, no defence to homicide, 461.

when indictable (see OFFENCES), 14 *et seq.*