

8206-40273

R E P O R T S
OF
SIR GEORGE CROKE, KNIGHT,
OF
S E L E C T C A S E S

Ad. B. B.
ADJUDGED IN THE
COURTS of KING'S-BENCH and COMMON-PLEAS,

IN THE REIGNS OF
QUEEN ELIZABETH, KING JAMES, and KING CHARLES I.
IN ^{FOUR} ~~THREE~~ VOLUMES.

VOLUME THE FIRST—PART THE FIRST,
FROM THE
TWENTY-FOURTH TO THE THIRTY-EIGHTH YEAR
OF
QUEEN ELIZABETH.

R E P O R T S
O F
SIR GEORGE CROKE, KNIGHT,
FORMERLY ONE OF THE
J U S T I C E S
O F T H E
COURTS of KING'S-BENCH and COMMON-PLEAS,
O F S U C H
S E L E C T C A S E S
AS WERE ADJUDGED IN THE SAID COURTS DURING THE
REIGN of QUEEN ELIZABETH.

COLLECTED AND WRITTEN IN FRENCH,
By **H I M S E L F;**

REVISED AND PUBLISHED IN ENGLISH,
By **SIR HARBOTTLE GRIMSTON, BARONET,**
MASTER OF THE ROLLS.

THE FOURTH EDITION, CORRECTED,

W I T H
MARGINAL NOTES and REFERENCES to the LATER REPORTS,
AND OTHER BOOKS OF AUTHORITY,

By **THOMAS LEACH, Esq.**
OF THE MIDDLE TEMPLE, BARRISTER AT LAW.

L O N D O N:
PRINTED FOR E. AND R. BROOKE, BELL-YARD, TEMPLE-BAR;
AND T. WHIELDON, FLEET-STREET.

M,DCC,XC.
1790.

33. Eliz. In the Queen's Bench.

Sir Christopher Wray, Knt. Chief Justice.

Sir Francis Gawdy, Knt.

John Clench, Esq.

Edward Fenner, Esq.

Sir John Popham, Knt. Attorney General.

Sir Thomas Egerton, Knt. Solicitor General.

} *Justices.*

CASE 1.

Fermor against Dorrington.

"I will prove
"him to be a
"perjured
"knave," are
actionable.
Post. 730.
Cro. Jac. 214.

ACTION for words, which were, "I will prove *Fermor* to "be a perjured knave." After verdict it was alledged in arrest of judgment, that the words are not actionable, for he doth not say he was perjured, but that he would prove him perjured; for it may be, that if he doth any act after that he may be convinced of it.—But all THE COURT held, that the action lay, and the words cannot have such construction.

Judgment
stayed for a di-
versity in the
christian name
of a juror be-
tween the *venire*
and *distringas*.
Ante, 57.
Post. 256. 258.

5. Co. 42.
Cro. Car. 203.
Cro. Jac. 116.
558.
Hob. 64.
3. Bac. Abr.
276.
Comp. 425.

ANOTHER matter was alledged, that in the *venire facias* and *distringas*, one *Taverner* was named one of the jurors; but in the return of the *distringas* in lieu of *Taverner* one *Turnor* was returned, and was sworn, and tried the matter; so it is a mis-trial, being tried by one that was not returned in the *venire facias*. And COKE cited a precedent in this court between *Douby* and *Willot*, where a juror was returned by the name of *Gregory Willot*, and in the *distringas* he was named *George Willot*, and he with others passed upon the inquest; and for this cause the judgment was stayed. And another precedent in the exchequer, where one *Mizacl* was returned upon the *venire facias*, and upon the *distringas* one *Michael*, and both these were returned for surnames; and because *Michael* was sworn, &c. the judgment was stayed.—And so it seemed to THE COURT; but they at first doubted if the variance in the surname be a cause to stay judgment; but for variance in the christian name, they agreed clearly the judgment shall be stayed, but one may have two surnames. But afterwards it was resolved the judgment should be stayed.

CASE 2.

Taylor against Beal.

Quare, If a les-
see is authorized
to expend part
of the rent for
the repairs of
the premises?
1. Leon. 237.
320.
1. Ld. Ray. 420.
Doug. 748.
1. Term Rep.
454. 457.
2. T. Rep. 630.

DEBT for rent reserved upon a lease for years. The issue being joined if the rent were paid or not, the defendant gave in evidence for part of the rent, that the plaintiff by covenant was to repair the house and did not, and that thereupon he expended part of the rent in repairing the house. The question was, If this evidence will maintain the issue?—GAWDY conceived it did, for the law giveth this liberty to the lessee to expend the rent in reparations, for he shall be otherwise at great mischief, for the house may fall upon his head before it be repaired; and therefore the law alloweth him to repair it, and recoupe the rent. *Vide* 12. Hen. 8. pl. 1. 12. Rich.

This (PDF) case report was prepared by, and is the copyright of, [Deed Poll Office](#). You are free to use this report for non-commercial purposes, so long as you do not modify this (PDF) document and you keep every part of the report (including this notice) intact.

Find more cases like this at:

<https://deedpolloffice.com/change-name/law/case-law>

<https://deedpolloffice.com/change-name/children/case-law>



Deed • Poll • Office