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# R E P O R T S

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# C A S E S

ARGUED and ADJUDGED in the <sup>St. Part.</sup> COURTS of

K I N G ' s B E N C H

A N D

C O M M O N P L E A S,

In the R E I G N S of

The late King *William*, Queen *Anne*, King *George* the First,  
and King *George* the Second.

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Taken and collected

By the Right Honourable *ROBERT* Lord *RAYMOND*,  
late Lord Chief Justice of the COURT of KING'S BENCH.

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V O L. I.

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The FOURTH EDITION, Corrected; with Additional Refer-  
ences to former and later REPORTS;

By J O H N B A Y L E Y.

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L O N D O N:

Printed by his M A J E S T Y ' s L A W - P R I N T E R S ;

For A. STRAHAN, J. RIVINGTON and SONS, B. WHITE and  
SON, T. CADELL, W. FLEXNEY, W. OTRIDGE,  
R. BALDWIN, G. J. and J. ROBINSON, E. and  
R. BROOKE, T. WHIELDON, W. BROWN,  
and W. CLARKE.

M D C C X C .

## Rex vers. Newman.

A person can have but one Christian name. Vide Co. Litt. 3. 1.

THE defendant was indicted by the name of *Elizabeth Newman alias Judith Hancock*, for keeping a bawdy-house. Mr. King moved to quash it, because a woman cannot have two Christian names; for which reason in a case in *Noy* the return of a *refocons* was quashed. And for this reason the indictment was quashed. *Ex relations m'ri Jacob.*

## Anonymous.

In debt upon a bail-bond if the defendant in his plea states an arrest upon a different writ from that upon which the bond was given, and the plaintiff in his replication sets out that writ, he should not traverse the arrest by the other. D. cont. ante, 411, 412. But the traverse will not make his replication bad.

IN debt upon a bail-bond the defendant pleaded the statute of 23 H. 6. c. 10. and shewed an arrest by a wrong writ. The plaintiff replied and shewed the right writ, and traversed the wrong writ. The defendant demurred. And exception was taken, that the plaintiff should not have traversed the wrong writ, according to 1 Saund. 22. *Bennet v. Filkins*. Holt chief justice. The plaintiff has no need to traverse the wrong writ, but only to reply the right writ, and rely upon that. For it may be, there were two writs, and the defendant might be arrested by virtue of the writ returnable *die Martis*, &c. and then the other writ might come to the sheriff returnable *die Mercurii*, which coming to his hands, when the defendant was in custody, amounts to an arrest in law, and he might give a bail-bond to appear upon it; therefore the traverse is not so good. But the plaintiff had judgment. *Ex relations m'ri Jacob.*

## Hilliard vers. Cox.

Pleadings post. vol. 3. p. 313. Salk. 747.

A simple contract debt owing to a man who dies intestate is bonum notabile in the place in which the debtor was resident at the time of the death of the intestate and of the commission of administration. R. acc. Comb. 392. Dy. 305. a. pl. 58. in marg. Vide Lovel. l. 3.

AN action upon several promises by an administrator. The defendant craves *oyer* of the letters of administration, by which administration appeared to have been committed to the plaintiff by the archdeacon of *Berks*, and he pleads, that (a) at the time of the death of the intestate, and committing of administration, he was inhabiting and resident at *Oxford*. The plaintiff demurs. And Mr. *Northey* took exception to the plea; because the defendant did not deny, nor traverse, his residence in *Berks* within the peculiar. Holt chief justice. If the debtor has two houses in several dioceses, and at the time of the death of the debtee and commission of administration is inhabitant and resident at one of the houses, that will exclude the jurisdiction of the ordinary of the diocese in which the other house stood. Judgment for the defendant. *Ex relations m'ri Jacob.*

(a) In Salk. 37. the plea is represented to have been that *the intestate* at the time of his death was resident, &c. but that statement appears from the pleadings in Salk. 750. and post. vol. 3. p. 316. to be incorrect, and so Lee C. J. considered it in Say. 83.

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