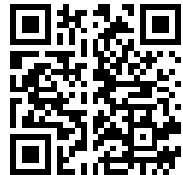


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R E P O R T S  
OF  
SIR GEORGE CROKE, KNIGHT,  
OF  
S E L E C T C A S E S  
ADJUDGED IN THE  
COURTS of KING'S-BENCH and COMMON-PLEAS,  
IN THE REIGNS OF  
QUEEN ELIZABETH, KING JAMES, and KING CHARLES I.  
IN THREE VOLUMES.

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VOLUME THE FIRST—PART THE SECOND,  
FROM THE  
THIRTY-EIGHTH YEAR TO THE END OF THE REIGN  
OF  
QUEEN ELIZABETH.

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*M. D.*

**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 THE  
 COURTS of KING'S-BENCH and COMMON-PLEAS,  
 O F SUCH  
**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,**

WITH

**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.**

WOLLEY  
against  
BRADWELL.

And of that opinion were WALMSLEY and OWEN : for a person outlawed may well make a will, and have executors, and the executors may have assets to satisfy over and besides the goods forfeited to the queen ; as in the cases before put, and in others of the same nature.

But BEAUMOND *è contra* : for the bar is good to a common intent. And these kind of assets shall not be intended, unless they be shewn ; wherefore *primâ facie* the plea is good.—ANDERSON *absente, adjournatur*.

Afterwards, for defect in the pleading, without regard to the matter in law, it was adjudged for the plaintiff. 8. *Edw. 4. pl. 6.* 21. *Edw. 4. pl. 5.* 39. *Hen. 6. pl. 27.*

## CASE 6.

## Coniers, Sheriff of Durham's Case.

Debt will lie for an escape, although the warrant was erroneous, if it continues unreversed.

Ante, 164. 188.  
Cro. Jac. 3.  
Moor, 274.  
B. Leon, 84.  
Ld. Raym. 397.

1530.

Str. 509. 820. 1184. 2. Bac. Abr. 234. Sec 8. & 9. Will. 3. c. 26.

DEBT upon an escape. The case was, That upon a reconu-  
sance in chancery, the conusee sued execution by a *capias ad satisfaciendum*, by force whereof the conusor was taken, and escaped, and debt brought thereupon.—SAVEL moved, that a *capias* lay not in this case ; and there the sheriff is not chargeable. Wherefore, &c.—THE COURT held, that the *capias ad satisfaciendum* was erroneously awarded ; yet the party being taken by force thereof, it is a good execution for the party, as long as it continues unreversed ; and the sheriff is chargeable for the escape. Wherefore it was adjudged accordingly.

## CASE 7.

A contingent devise to the next of kin of the name shall go to a female next of kin of the name at the time of the devise, though changed by marriage, before the contingency happens.

Ante, 532.

1. Vezey, 84.

335.

1. Bl. Rep. 601. Bro. Ch. Caf. 32. 3. Atk. 759. 2. Salk. 570. Pigot on Recov. 197.

## Jobson's Case.

JOBSON devised certain lands in *Newcastle* in tail, the remainder to the next of his kin of his name. At the time of the devise the next of his kin was his brother's daughter, who was then married to J. S. The devisor died ; the tenant in tail died afterwards without issue : Whether this daughter should have the land ? was the question upon a special verdict.—And adjudged without argument that she should not ; for she is not now of the name of the devisor, but of her husband's name. But if she had been unmarried at the time of the devise and death of the donor, although she had been married at the time of the death of the tenant in tail without issue, yet she should have had the land. Wherefore it was adjudged accordingly.

## CASE 8.

The caption of a fine may be taken of one of the parties at one time or place, and of another elsewhere ; and if the *dedimus* be to take of four, and it be only

taken of three, the other refusing, it shall be good for the three, Hutt, 135. Cro. Jac. 11. 78. 2. Bac. Abr. 528. Cruise on Fines, 80.

## Anonymous.

A DEDIMUS POTESTATEM was awarded to take the conu-  
sance of a fine of four persons. The commissioners return the conu-  
sance of three only. It was moved to the Court, what should be done to make this to be a fine against those three. And two of the cursitors were called into court, and opposed, Whether the name of the fourth might not be razed out of the *dedimus potestatem*, and make the writ of covenant to accord therewith ? And it was answered, that it might be done very well, and that it had

been