

2. The Time, *sc.* the day and year when the Offence was done.
3. The place, *sc.* the Town and County where it was done, as at B. Br. Indictment 24, 41, 42. Lamb 478
4. The Name or quality of the thing in which the Offence is committed: *viz.* of dead things it may be the Goods and Chattels, expressing them certainly; of live things, Horse, Ox, Sheep, &c. but not Goods and Chattels. So of Entry, &c. to express certainly whether it be House, Land, Meadow, Pasture, Wood, &c.
5. Also the value or price of the thing is commonly to be set down to aggravate the fault.
6. The manner of the fact, *sc.* the manner and nature of the Offence; as whether it be Felony, or Trespass, or penal Statute, &c. See Lamb. Lamb. 480. Br. Indict. 7. 36.

And yet for the form of Indictments the Jury are not strictly tied thereunto, (*sc.* to the day, year or place, &c.) but chiefly to the manner of Fact. *Vide hic antea.*

*Verity.*

Also Indictments ought to be framed so near the truth as may be, and the rather, so that they are to be found by the Jury upon their Oaths. Co. 9. 119. Pl. 84.

Yea an Indictment being *vereditum, id est, dictum veritatis*, and a matter of Record ought to set forth all the truth that by Law is requisite; for *de non apparentibus et non existentibus eadem est ratio*: and every part of the Indictment material ought to be found by the Oath of the Jurors, and it is not to be supplied by Averment; otherwise the Indictment will be insufficient.

But false Latin shall not make void an Indictment. Co. 5. 121.

And to this purpose note, that false Latin may be said to be of three sorts.

First, words of Art, being words significant allowed by our Law, and known to the Sages of the Law, though not allowed by the Grammarians, not having the Countenance of Latin; as *Messuagium, Toftum, Gardin, Bruera, Mardred, Burglariter, Felonice*, &c. these and the like are words of Art, and are allowed in the Law; yea the Civilians and Physicians do use the like, and every Science have their *vocabula artis*.

The second sort are false writing or incongruous Latin, as *viginti* for *viginti*, *septinginti* for *septinginti*, *presato* for *presato*, &c. These two former sorts shall not avoid or make void any Indictment, Grant or Deed.

The third sort are words insensible, especially if the words of Art are written insensibly or fallily; as *Murdredum* for *Murdrum*, *Burgariter* for *Burglariter*, *Feloniter* for *Felonice*. These words *Murdredum, Burgariter*, and *Feloniter*, (being no Latin words, nor allowed by Law as words of Art) if they shall be in any place or point material, they do make void the Indictment: except where such words insensible be surplusage. See Co. 4. 39. 42. & 10. 133.

And yet *quare*, for these words have the countenance of those other words of Art, and do shew the Court sufficiently what is thereby meant, and seem to be only the false writing of the Clerks, and therefore might be amended in case of Indictment. See Coke 10. 133.