DE TERM. S. TRIN. 1676. IN BANCO REGIS.

CASE 702.

Vi et armis unnecessary in indictments for cheating.

Vi et armis not necessary in an indictment for cheating with false dice. Per Twisden (*a*).

CASE 702B.

Semb. S. C. *R.* v. *Brown*, 3 Keb. 651. 1 Vent. 296.

No indictment for perjury by wager of law or swearing a foreign plea.

An indictment doth not lie for perjury by wager of law, nor by swearing a foreign plea; and an indictment was quashed for it (*a*).

[524] CASE 703.

Presentment in a leet for false weights, must shew they were used in trade and within the jurisdiction.

Presentment in a court-leet for using false weights was quashed, because it did not say, that they were used in trade.

2. It doth not set forth that they were used within the jurisdiction of the Court.

CASE 704. KING *v.* JOHNSON.

Indictment for a forcible entry into A.'s house, whereof he was possessed "*pro termino adhuc venturo*" bad.

Indictment for a forcible entry into a house that he was possessed of *pro termino adhuc venturo*, and doth not say *pro termino annorum*, which it ought to be, or else to say, *in libero tenemento;* for else his term may be but for a day or an hour: it was quashed. 2 Roll. 80 (*a*).

CASE 704B.

Indictment against a constable for not executing warrants quashed, because it was not averred, that the party was constable at the time of the warrants delivered.

CASE 705. KING *v.* LEDGER.

Judgment in an indictment reversed, because it was *ideo consideratum est quod committatur ad gaolam*, whereas it ought to be *ideo forisfaciat;* for this is an award of execution: the indictment was for using a trade not being an apprentice.

(*a*) *Acc. Spencer & Amy* v. *Huson*, 1 Keb. 652. *R.* v. *Burks*, 7 Term Rep. 4. 2 Hawk. c. 25, s. 90. *Quære*, whether those words are in *any* case necessary, since stat. 37 Hen. 8, ch. 8? See *R.* v. *Burridge*, 3 P. Will. 498. 2 Hawk. c. 25, s. 90-1.

(*a*) The report of Keble adds, that perjury in an answer in Chancery is not indictable. But see 3 Inst. 166. 5 Mod. 348, that such perjury is an offence at common law: and in *Miller's case*, Noy, 128, (recognized in Com. Dig. Justices of Peace, B. 102,) perjury in a man's own cause, as *wager of law, &c.* was held indictable at common law, though not by the stat. 5 Eliz. c. 9. Perhaps these cases may, therefore, be reconciled by supposing that the language of the Court in the above case of *R.* v. *Brown* has reference only to an indictment founded upon the statute.

(*a*) S. P. 1 Vent. 306, and *semb.* S. C.