

One's Interest. Which answers to Interplacitation, Entreples-
 ider, Interpleading in the law of England, from Entreples
 = tween and plaidor to plead and to Cognate prejudicial
 in the Civil Law, that is the Disputing of a point. In
 and only falling out before the principal cause can take
 an End. The Defendant or receiving a third person to plead
 his right in cause commenced between two other persons, is
 termed in England Rescator, Rescaptor.

The Relevancy of Allegations being in doubt is commonly
 Determined, before admitting any point to proof. Because
 for proba probatur and probatum non is to want People
 should not be put to the trouble and Expence to bring in Proof
 which and other Evidence to no Manner of purpose; and
 out this should not be taken in Vain. If the point pleaded is
 clear, the ordinary Determines it forth with, and in case of
 Difficulty makes Rescator there with to himself, or to the
 whole Lords; i.e. takes sometime to decide it himself, or to
 Consult the Lord upon it. When he makes Rescator to
 himself, the Clerk writes under the Minute of the Rescator
 to the Lord himself. When it is to be Reported to
 the Lord, the Clerk writes under the Minute, Rescator
 to the Lord. Vide supra pages. If the ordinary promises
 to be an Interlocutor to the Disputants of either party,
 he who thinks himself of Loss, may Crave the Lord Answer
 i.e. that the ordinary would Report the cause to the whole
 Lords, and get their opinion of it. If that be Refused, the
 party may Crave it again upon offering an Amend, i.e.
 a Crown to be forfeited to the poor Wif, if the Lord
 do here to the ordinary's Opinion. Which is so called from
 the French Amend signifying a Millet or fine. When
 the ordinary Refused, not withstanding such offer, to be
 put the point, the Lord Answer in any he got upon a
 Bill given in by the party, which is either Refused or ordain-
 ed to be seen and answered. And if the Lord Deliverance
 on the Bill Displeas, he has the privilege to Reclaim
 against it once and again Vide supra pag. 1874. Sometimes
 the party Displeas with the ordinary's Interlocutor,
 Shakes out of Dependence to his Lordship, to try an Alter-
 ation thereof by putting a written Representation in
 his Lordship's Box, and procuring a new Calling of the

the cause before him when he hath Another Diet of Audience. And
 if the ordinary do not withstanding all that is there presented, do
 here to his former Opinion, then to Crave the Lord Answer
 in Manner aforesaid; And in case of his Refusal to Reclaim by
 a Bill to the Lord. If the ordinary except of the Amend, the
 Clerk rolls up the Crown in a piece of Paper, in which he writes
 the cause it belongs to, and by whom given, and then Deliver
 it to the ordinary, and the cause goes to Report. By the law
 of England, when either of the Litigants then do any part of
 the others, leading in sufficient in law, he may Demand there
 to, and defer the point of law to the judgement of the Court.
 If the Court think it Doubtful, they will Allow of the Demand
 and Crave the other party to join therein. When the Demand
 is joined the case is made a Bench Cause, and the Court Appoints
 a day for Arguing it by Counsel on both sides. When out of
 hearing of Counsel, the Court is not clear to Determine the
 cause may be adjourned into the Exchequer Chamber, to be
 argued there by all the Judges of England. And if the Major
 part of these cannot Agree therein, it must be sent to the
 Parliament.

After the Dispute of the Relevancy is concluded, proof
 of the Matter of fact alleged by the parties follows. Under some
 denations, some facts want not to be proved, as Notoria, the next
 from services &c. which prove themselves; Notoria the next
 Commonly known or acknowledged to be true by the Vi-
 cinity &c. the Relations of Husband, wife, parent or child
 the State or Jurisdiction where men live, and to which
 because Notoria kind Alleganda Non probanda; and things
 justly presumed. I think are justly testified by Witness pro-
 vided that to which the Defendant should dispute both the Re-
 levancy & proof at the same time, otherwise he will be pre-
 sumed to acknowledge either of these against which he doth
 not object. Therefore the Defendant must be held to impugn
 the Relevancy, Add: Et si it were Relevancy, yet the same
 is not sufficiently proved by the witness produced. A third
 sort of facts require a term for proving them: Its to which
 either party may require an Oath of Calumny of the
 other, or his Advocate, either in Intio lites, or at any
 time before Conclusion of the cause. If the party whose
 Oath of Calumny is Craved, be present at the Bar, he may
 be Commanded instantly to give it. If he be Absent,
 sent, the other party will get a Diligence to Cite him.