

having a Manifest tendency to Apprehension by Encouraging persons to persevere in suits, which perhaps they would not Venture to go on in upon their own Bottoms Nor is it Material whether the parties plea which they Express be just or Not Hawkins pl. Cr. lib. chap. 83 § 8. Culpā off. Reipsum non est se non parlamentis.

Maintenances is Committed either in Court or out of Court Main tenances out of Court (called Auralis) is the taking part in quarrels or Differences between men in the County by assisting the one to take or seize possession of the other's estate or the like. Which is punishable only at the suit of the King by fine and Imprisonment according to the quality of the offence, 1 Edw. 3 cap. 14. 2 Edw. 3 cap. 4. punt. 1 R. 2 cap. 4. Coke 1 Just. 368 b. 2 Just. 213. Main tenances in Court (called Curialia) is when one Nothing Interferes, having so much as a bare Contingency of Interest, and officiously Intermeddles in depending in any Court of Justice by assisting either party with Money Countenances or otherwise in the prosecution or Defence of the suit. which is of the same kind. When a person doth so without any Agreement to have part of the thing in suit or advantage there by, called Impugnant Maintenance. Who is liable to an Action of Maintenance at the suit of the party, for Damages Insuperable to the Injury done, and may be indicted as an offender against publick Justice, and be fined and Imprisoned according to the Circumstances of the offence. Coke 2 Just. 208. 212. 2 Roll. Abr. 114. Hawkins pl. Cr. lib. 1. chap. 83 § 3. This Crime is also restrained by the Statutes of 3 Edw. 1 cap. 28. 7 Edw. 3 cap. 14. 20 Edw. 3 cap. 4. 1 R. 2 cap. 4 § 9. 32. 8 cap. 9. 20 Another kind of Maintenance Curialia is, when one bargains with any party in a plea to have part of the Land or Debt or other thing in suit paid on at his own proper cost if he prevail, or to profit out of it. Which Crime is, by a Note upon

being Champerty (in Latin Cum Bipartite) Derived as My Lord Coke (2 Just. 208) thinks, from the Latin Campid el pars, quasi campus par tibus, or rather according to Doctor Skinner (Etymol. verb. Champartie) from the French Champartie, parlie a field divided, because the parties Agree to divide the Soil or thing in Variation or in Dispute. The Offenders are called Champartors. which Crime is Restrain'd by the Statutes of 3 Edw. 1 cap. 25. 13 Edw. 1 cap. 49. 28 Edw. 1 cap. 11. 35 Edw. 1 Stat. 3. 1 R. 2 cap. 9. It is not Material whether he who brings a Suit of Champerty, a gain'd Another did in truth suffer any Damage by it, or whether he plea Whosoever it is alleged to be Determin'd or Not, Hawkins pl. Cr. Chap. 84 § 8. But such Grants only of part of the thing in suit as are Made in Consideration of the Maintenance are Recover'd Champertous, and not such as are Made in Consideration of a precedent benefit or Right, which is Alleged to be satisfied with the thing in Suit, which is Alleged to be satisfied with the thing in Demand when Recover'd. Hawkins ibid. § 10. 30. An Attempt to Corrupt or Influence or seduce a Jury, or any way to induce them to be more favourable to the one Side than to the other, by Money promised, or other Rewards or Persuasions, except by the Strength of the Evidence and the Arguments of the Counsel in open Court at the trial of the Cause, is a third Species of Maintenance in Court called Subornery. Whether the Jurors or Not, or whether the Verdict given be true or false. The offender or called Subornator is subject to an Action or Indictment as for other sorts of Unlawfull Maintenance. Coke 1 Just. 369 a. Hawkins pl. Cr. Chap. 85. § 18. 7. Which offence is Restrain'd by the Statutes of 3 Edw. 1 cap. 10. 34 Edw. 3 cap. 8. 35 Edw. 3 cap. 12. 32 R. 2 cap. 9.

By the Law of Holland, all Judges, and their Clerks are Discharged to Maintain pleas or Compt Count in the King's Courts, or to take Land or other thing to Champert