

318. 3 Just. 230. *Halb* pl. Br. 264, Kel. Rep. 16. Hawkins
 Ibid. chap. 25 § 83 & 86. But an indictment for an offence
 consisting wholly in a nonfeasance and not supposing any
 fact done, but barely the omission of what ought to be done,
 need not show any time or place, for properly speaking
 it is not committed at any time or any where Hawkins
 Ibid. § 81 & lib. 1 chap. 10 § 5.

Halb or incongruous Latin, *profecto Regi* or *profecto*
Regina, doth not vitiate an indictment Coke 5 Rep. 121. Hawkins
 pl. Br. lib. 2 chap. 25 § 88. Because, tho' the Express
 word be incongruous yet the words are Latin and signifi-
 cant terms of art, as *felonia* *Murdrum* *Burglaria* and
 such like are good tho' they be not Classical Latin. For
 they are of such a complex and peculiar signification,
 as no proper Latin word will come up to. But if any Mate-
 rial part of an indictment be expressed in a word which
 is neither Latin nor Ecclesiastical for *Excommunicatus*, nor a
 word of art, as *Murdrum* for *Murderum*, *felonia* for
felony, the indictment is insufficient Hawkins Ibid. §
 89. An indictment wholly in English is void, Arg. 36 Edw. 3
 cap. 15 whereby a plea should be entered and justified
 in Latin. Where there is no proper Latin word or term
 of art for the thing intended to be expressed, an English
 or English word joined to an improper one will help it,
 because in such a case there is a necessity either to use
 a foreign word or none at all. But where there is a proper
 Latin word or a law term to be used no English will help
 an improper one; nor can an English make good the use
 of a proper Latin word either in a more special or more
 five signification, than the Latin language will bear Hawkins
 Ibid. § 90. *Halb* 196. *Halb* an Abbreviate not justified by
 Legal Usage or the Expression of a Number in any
 figures that are not Roman, is equally fatal to an in-
 dictment, as it would have been to have omitted what
 you endeavour in such manner to express Hawkins Ibid. § 91.
Halb Ibid. pag. 170.

If the offence be created by a Public Statute, it is
 not necessary to recite in the indictment the statute where-
 on it is grounded: Because Judges are bound ex officio to take
 Notice of all public Statutes, and where there are more than
 one, by which an indictment may be maintained, they will
 go upon that which is most for the Kings advantage
 Hawkins pl. Br. lib. 2 chap. 25 § 102. But if the prosecutor
 take upon him to recite the statute, he may vitiate the
 indictment by a Misrecital, and Varying from the statute
 in any Material part of it Hawkins Ibid. § 103. 106. 112.

Indictments at common law, do lay the offence contra
Pacem Domini Regis Hawkins pl. Br. lib. 2 chap. 25
 § 94. But an indictment for an offence created by statute,
 must conclude contra formam Statuti in huiusmodi case
 Edw. 6 prov. 36. Hawkins Ibid. § 118. And where there are more
 than one statute concerning the same offence it is sufficient
 to conclude contra formam Statuti which will stand either
 for Statuti or Statutorum, as will best maintain the
 indictment, Hawkins Ibid. § 119. If the offence indicted is pro-
 hibited both by common law and statute, the indictment may
 conclude contra pacem &c. Nec non contra formam Statuti
 &c. as in the sketch of an indictment of high treason
 above set down.