

In casu Consimili, & Probato. See *Casu Consimili*, &c.

Incendiaries. Burning of Houses maliciously, to extort Sums of Money from those, whom the Malefactors should spare, was made Treason the first Year of King H. 6. 1 *Hale's Hist. P. C.* 270. The like Offences of firing Houses and sending Letters demanding Money of Persons, &c. is Felony, by Stat. 9 Geo. 1. Vide *Waltham Blacks*.

Incertainty, Is that which opposeth *Certainty*, where a Thing is so ambiguously set down, that one cannot tell how to understand it: And this is said to be the Mother of Contention. The Questions of *Incertainty* arise sometimes on Matter of Record; as Writs, Counts, Pleas, Verdicts, &c. and sometimes on Deeds or Writings, or upon Contracts, &c. 5 *Rep.* 121. *Plowd.* 25. In Law Proceedings, *Incertainty* will make them void; for all Proceedings at Law are to be certain and affirmative, that the Defendant may be at a Certainty as to what he should answer, &c. *Plowd.* 84. If the Count and Verdict in an Appeal be uncertain, there can be no Judgment given thereon; and it is the same on an Indictment. 3 *Med.* 121. *Incertainty* in Deeds renders them void; but sometimes a Term for Years granted by Lease, may be made certain by Reference to a Certainty; and *Incertainty* may be reduced to Certainty, by Matter *expresso facto*, Implication, &c. *Plowd.* 6, 273. 6 *Rep.* 20. If there are two Men of one Name, and a Devise of Lands, &c. is to one of that Name, without any Distinctions, it will be void for *Incertainty*; though perhaps an Averment may make it good. 2 *Bulst.* 180. *Incertainty* in Declarations of Uses of Fines of Lands, &c. is rejected in Law; for otherwise there would be no certain Inheritances. 9 *Rep.*

Inchanter, (*Incantator*) Is he that by Charms conjures the Devil; *Qui Carminibus vel Cantuunculis Dæmonem adorat*: And they were anciently called *Carmina*, by Reason in those Days their Charms were in Verse. 3 *Inst.* 44.

Inchantress, (*Incantatrix*) A Woman that uses Charms and Incantations. See *Conjuration*.

Inchartare, Signifies to give or grant any Thing by an Instrument in Writing: *Concessit ipsi Comiti Terram ipsam & inchartavit, ut Possessio sua*, &c. *Matt. Paris. Anno* 1252.

Inch of Candle, Is the Manner of selling Goods by Merchants; which is done thus: First, Notice is to be given upon the Exchange, or other publick Place, of the Time of Sale; and in the mean Time, the Goods to be sold are divided into Lots, printed Papers of which, and the Conditions of Sale, are also forthwith published; and when the Goods are exposed to Sale, a small Piece of Wax-Candle, about Inch long, is burning, and the last Bidder when the Candle goes out, is entitled to the Lot or Parcel so exposed. If any Difference happens in adjusting to whom a Lot belongs, where several bid together, the Lot is to be put up again; and the last Bidder is bound to stand to the Bargain, and take the Lot, whether good or bad. In these Cases, the Goods are set up at such a Price; and none shall bid less than a certain Sum, more than another hath before, &c. *Merch. Dict.*

Incident, (*Incidens*) Is a Thing necessarily depending upon, appertaining to, or following another that is more worthy or principal. A Court-Baron is inseparably *incident* to a Manor; and a Court of Piepowders to a Fair: These are so inherent to their Principals, that by the Grant of one the other is granted; and they cannot be extinct by Release, or saved by Exception, but in special Cases. *Kitch.* 36. 1 *Inst.* 151. Rent is *incident* to a Reversion; Timber Trees are *incident* to the Freehold, and also Deeds and Charters, and a Way to Lands; Fealty is *incident* to Tenures; Distresses to Rent and Amercement, &c. 1 *Inst.* 151. Tenant for Life or Years, hath *incident* to his Estate, Estovers of Wood. 1 *Inst.* 41. And there are certain *Incidents* to Estates-tail; as to be dispunishable of Waste, to suffer a Recovery, &c. 1 *Inst.* 224. 10 *Rep.* 38, 39. *Incidents* are useful to the *Bene esse* of that to which they are *incident*; and the Law is tender of them. *Heb.* 39, 40.

Inclausa, A Home Close, or Inclosure near the House. *Paroch. Antiq.* p. 31.

Inclasures. The throwing down *Inclasures*, is an Offence punishable by our ancient Laws and Statutes. 13 *Ed.* 1 c. 40. But if a Lord of a Manor *inclose* Part of the Waste or Common, and doth not leave sufficient Room for the

Commoners; they may break down such *Inclasure*, or have Writ of Assise. 3 & 4 *Ed.* 6. Large Wastes or Commons in the *West-Riding* of the County of York, with the Consent of the Lords of Manors, &c. may be *inclosed*, a sixth Part whereof shall be for the Benefit of poor Clergymen, whose Livings are under 40 l. a Year, to be settled in Trustees, who may grant Leases for twenty one Years, &c. *Stat.* 12. *Ann.* c. 4.

Incompatible, *Incompatibilitas Beneficiorum*, Is when Benefices cannot stand one with another, if they be with Cure and of such a Value in the King's Books. *Whitlock's Read.* p. 4.

Incontinency, (*Incontinentia*) where Persons are *vitious*, and have no Command of themselves, is a Crime that may be committed in several Cases, and there are divers Degrees thereof; as in Case of *Bigamy*, or having more Wives than one; *Rapes* of Women: *Sodomy*, or Buggery; getting Bastards, &c. all which are punished by Statute. See 25 *H. 8.* c. 6. 18 *Eliz.* c. 7. 1 *Jac.* 1. *Incontinency* of Priests, is punishable by the Ordinary, by Imprisonment, &c. 1 *H. 7.* c. 4.

Incopolitus, Is made Use of for a Proctor, or Vicar. *Leg. Hen.* 1.

Incrementum, Increase or Improvement; to which was opposed *Decrementum* or Abatement. — *Reddeno antiquam firmam & de Incremento xi s Paroch. Antiq.* 164. And we read *Dedi A. B quoddam incrementum terre mee apud*, &c. where it is meant a Parcel of Ground inclosed out of a Common, or improved.

Incroachment, (*Fr. Accroachment*, i. e. a Grasping of a Thing) Signifies an unlawful Gaining upon the Right or Possession of another Man. As wuere a Man sets his Hedge or Wall too far into the Ground of his Neighbour, that lies next to him, he is said to make *Incroachment* upon him: And a Rent is said to be incroached, when the Lord by Distress or otherwise compels his Tenant to pay more than he owes; and so of Services, &c. 9 *Rep.* 33. And sometimes this Word is applied to Power; for the *Spencers*, Father and Son, it is said, *incroached* unto them *Royal Power* and Authority, *Anno* 1 *Ed.* 3. And the Admirals and their Deputies did *incroach* to themselves divers Jurisdictions, &c. 15 *R.* 2. c. 3.

Incumbent, (From the Lat *Incumbo*, to mind diligently) Is a Clerk who is resident on his Benefice with Cure; and is so called, because he does or ought to bend all his Study to the Discharge of the Cure of the Church to which he belongs. *C. Litt.* 119. Where an *Incumbent* is put out without due Process, he shall be at large to sue for his Remedy at what Time he pleaseth, &c. *Stat.* 4 *Hen.* 4. *cap.* 22. See *Church*.

Incurrantum, The *Incurring* or being subject to a Penalty, Fine or Amercement: So *Incurri alicui* is to be liable to another's legal Censure or Punishment. — *Statutum est quod ejusmodi tenentes capitalibus Dominis vel Regi incurrantur.* *Westm. cap.* 37.

Indebitatus Assumpsit, Is used in Declarations and Law Proceedings, where one is *indebted* unto another in any certain Sum; and the Law creates it: It is also an Action thereupon. *Practij. Attorn. Edit.* 1. *pag.* 73. And it has been held, that the Action upon an *Indebitatus Assumpsit* lies in no Case, but where Debt will lie for the same Thing. 1 *Salk.* 23. See *Assumpsit*.

Indecimable, (*Indecimabilis*) That is not *Tithable*, or by Law ought not to pay Tithes. 2 *Inst.* 490.

Indefeisible, Is what cannot be defeated or made void; as a good and *Indefeisible Estate*, &c.

Indesensus, A Word signifying one that is impleaded, and refuseth to make Answer: *Et prædictus J. nihil fecit dicere contra sectam dict. Richardi, nec voluit pner se in Inquisitionem aliquam; Consideratum est quod tanquam Indesensus sit in misericordia*, &c. *Mich.* 50 *H.* 3. *Rot.* 4.

Indemnity. On the Appropriation of a Church to any College, &c. when the Archdeacon loses for ever his Induction Money, the Recompence he receives yearly out of the Church so appropriate, as 12 d. or 2 s. more or less, as a Pension agreed at the Time of the Appropriating, is called *Indemnity*. *MS. in Bibl. Cotton.* p. 84. There is an *Indemnity* from Penalties, of Persons who have neglected to read the Morning and Evening Prayers, according to the Book of Com-