

ted, or cohabiting with him, but actually and legally married to him; and of such a Wife the ancient Law-book speaks, *De morte viri inter Brachia sua Interfecti*, the Husband is killed within her Arms, that is, whilst he was legally in her Possession; but that the Appellant and the Person killed were not ever lawfully coupled in Matrimony, is a good Plea in an Appeal.

(3.) This Right of Appeal for the Death of her Husband is annexed to her Widow-hood, as her *Quarentine* is; and therefore, if the Wife of the Dead marry again, her Appeal is gone, even although the second Husband should die within the Year and Day after the Murder of the first: For she must, all the while before the Appeal be brought, continue *Fœmina viri sui*, his Widow upon whose Death the Appeal is brought. Furthermore, if she bring the Appeal during her Widow-hood, and take a Husband whilst it is depending, the Appeal shall abate (that is, be out of doors) for ever. Nay, if on her Appeal she hath Judgment against the Defendant, if afterward she take an Husband before the Defendant be hanged, she can never have Execution of Death against him.

(4.) By the Statute of *Glocest.* made in the sixth Year of King *Edward 1. cap. 9.* it is Enacted, That if an Appeal set forth the Deed, the Year, the Day, the Hour, the Reign of the King, and the Town where the Deed was done, and with what Weapon the Party was slain, the Appeal shall stand in effect, and shall not be abated for default of fresh Suit, if the Party shall sue within the Year and the Day after the Deed done.

(5.) As for the Year and Day here mentioned, it is to be accounted for the whole Year according to the Calendar, and not for twelve Months, at twenty-eight Days to the Month. So likewise
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