

conusant of the Fact) has been found to be the greatest Security of the Peoples Lives, Fortunes, Liberty and Reputation as well as the surest method of bringing Criminals to Justice, and Exactly Agreeable to the ninth Chapter of Articuli Super Chartas wherein it is Expressly provided that every Sheriff or Bailiff should put on inquest such as be next Neighbours most Sufficient and Least Suspicious, on pain of paying Double Damages, and being grievously amerced to the King. U. H. J.
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2 That altho the Alteration propos'd may probably increase the Publick Charge about Thirty Thousand p^{ds} of Tobacco according to the Estimate annex'd, that as the attendance of Jurors Evidences and Suitors will be much Shorten'd, the Cost will be Lessend in proportion; Besides the Convenience of bringing the Tryals Home to the People's Doors, & saving the fatigue & Expence of psonal attendance at the Provincial Court, (w^{ch} as the Courts are Establish'd, happens in the Busiest Season of the year, and Conseq^{ty} when it is more prejudicial to the people to be from Home) will make Ample Amends for the Increase of the Publick Charge.

3 That when Tryals are in the neighbourhood where the facts arise, there's Less Danger of False Testimony prevailing, than where the Contending Parties, Jurors & Wittnesses, are Stranger to one another. This Circumstance is of very great weight, & worthy of Consideration, as appears in Sir Mathew Hale's History of the Common Law of England, where treating of these Sort of Tryals he has these Remarkable words:—and further the very Quality, Carriage, Age, Condition, Education & place of Commorance of Wittnesses, is by this means plainly and Evidently set forth to the Court & the Jury, whereby the Judge & Jurors may have a full Information of them & the Jurors, as they see Cause, may give more or Less Credit to their Testimony, for the Jurors are not only Judges of the Fact, but many Times of the Truth of the Evidence; and if there be Just Cause to Disbelieve what the Wittness Swears; they are not Bound to give their Verdict according to the Evidence or Testimony of that wittness, and they may sometimes give Credit to one Wittness tho opposed by more then one. And indeed it is one of the Excellencies of this Tryal above the Tryal by wittnesses, that altho the Jury ought to give a great regard to wittnesses & their Testimony, yet are they not always Bound by it, but may upon Reasonable Circumstances inducing a Blemish upon their Credibility, tho otherwise in themselves in strictness of Law, they are to be heard, pronounce a Verdict Contrary to such Testimony the Truth whereof they have Reason to Suspect, & may and do often pronounce the verdict upon one single Testimony. p. 91