

menced in the provinciall in the Severall Countys where the L. H. J. facts shall Arise, will be the best Expedient that Can be thought of to remove the Inconvenience, Complained of, and the most Agreeable to our Constitution for the following p. 52 reasons.

1st That it is Agreeable to the Manner of proceeding in Like Cases in England where (by Severall hundred years Experience) tryalls by the neighbourhood (who must Certainly be most Connusant of the fact) has been found to be the greatest Security of the peoples Lives fortunes, liberty and reputations, as well as the surest Method of bringing Crimnalls to Justice and Exactly Agreeable to the ninth Chapter of Articuli Super Chartas wherein it is Expressly provided that every Sherriff or Bailiff should put on Inquest, such as be next neighbours most Sufficient and Least Suspicious on pain of paying Double Damage and being Greviously amerced to the King.

2^{dly} That althô the Alteration pposed may probably Increase the publick Charge About thirty thousand pounds of Tobacco according to the Estimate Annext, that as the Attendance of Jurors Evidences and Suitors, will be much Shortned, the Cost will be Lessened in proportion, besides the Convenience of bringing the tryalls home to the peoples doors, and saveing the fatigue and Expence of personall Attendance at the Provinciall Court (which as the Courts are Established happen in the busy Seasons of the year and Consequently when it is the more prejudiciall to the people to be from home) will make Ample Amends for the Increase of the publick Charge.

3^d That when tryalls are in the neighbourhood where the facts arise, there's Less danger of false testimony prevailing then where the Contending parties, Jurors and Wittnesses are strangers to One another; this Circumstance is of very great weight and worthy Consideration as Appears in S^r Mathew Hales 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 and place of Commorance of Wittnesses is by this means plainly and Evidently set forth to the Court and the Jury whereby the Judge and Jurors may have a full Information of them, and the Jurors as they see Cause may give more or Less Creditt 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 a Wittness Swears they are not bound to give their Verdict According to the Evidence or Testimony of that