

L. H. J. Wittness; and they may sometimes give Credit to one witness  
p. 53 tho opposed by more than one and Indeed it is one of the Excellencies of this Tryall Above the tryall by witnesses that altho the Jury ought to give a great regard to Witnesses and 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 and may and do Often pronounce their Verdict Upon one Single Testimony.” The Advantages mentioned by that great & famous Judge Attending tryalls by Jurors Cannot possibly be had, but where the facts are tryed where they happen and where the Jurors partys and Witnesses are known to One Another.

The Conferrees are of Opinion that it would be Convenient (in order to Lessen the publick Charge) to Reduce the number of Provinciaall Justices to Six.

That no person be Exempt from Serving on Jury that is Legally Quallified but Councillors Clergymen Magistrates Assembly men and Constables

The Conferrees are also of opinion that if the Judges be Appointed on Each Side of the Bay as proposed they should begin to go their Circuits the beginning of Aprill and beginning of September Yearly, and that the Provinciaall Court should sitt About the 20<sup>th</sup> of May and 20<sup>th</sup> of October Yearly.

Signed p order George Plater Ck.

With which this House Concurr.

And thereupon the following Message is prepared viz.

By the Lower House of Assembly October the 15<sup>th</sup> 1723.

May it please Your Honours.

We have read the report of the Conferrees Concerning the Great Delay of Business in the Provinciaall Court occasioned by the Length of time taken up in the tryall of Criminalls and to propose a Method to Ease the people of that Inconvenience and Concurr therewith and desire to Know whether your Honours will Agree with us therein that a Bill may be prepared According to that Report

Signd p Order M. Jenifer Cl Lo. Ho:

Which was sent to the Upper House by the Gent Conferrees

They return and say they Delivered it.