

§. 3. *the child.* But for Children, I find in the Book of the Discovery of Witches at Lancaster Assizes, Anno Dom. 1612. That the Son and Daughter of Elizabeth Devies, a Witch, were not only examined by the Justices of Peace against the said Mother, and the said Examination certified and openly read upon the Arraignment and Trials; but the Daughter also was commanded, and did give open Evidence against her Mother then Prisoner at the Bar.

*By an Infant.* I farther find in the said Book of the Discovery of Witches, that two Children, the one about nine years of age, the other of fourteen, did upon their Oaths give Evidence against the Prisoners upon their Arraignment. See the Book, fol. 4. La. b. K. 4. a. b. The like was done at Cambridge, at Lent Assizes, Anno Dom. 1629. before Sir Henry Mountague, Lord Chief Justice of the Kings Bench. And here with agreeth in some sort Mr. Bract. fol. 118. b. That Minor infra statum may be a Witness or Accuser, cum tamen accusatus attachietur usque ad statum accusantis.

Accusation or Information by one that is decrepit or unable to travel, is good, and may be taken by the Justice of Peace upon Oath, and certified at the next general Gaol-delivery, or Sessions of the Peace, as the Cause shall require.

If one be an Accuser upon his own knowledge, sight or hearing, and he shall utter the same to another, that other may be an Accuser, Dyer 99.

Accusation by an Approver. See hereof *tit. Bailment.*

And note, That an Offender confessing any Felony (upon Indictment or otherwise) against himself, may also accuse others of the same Felony; and such Accusation may be taken by the Justice of Peace, &c.

§. 2. *By Persons discredited.* Two inform against another in matter of Felony, and they vary in their Tales; (*viz.* in the day and place, when and where the Felony was committed). such Information is not much to be credited. See the Story of *Susanna.*

He that is examined, if part of that he speaketh be proved to be false, he is not to be credited in the residue of his Information; and therefore we shall find in 16 E. 4. that a Man who was produced as a Witness in the Chancery, in his Deposition he was found to swear falsely in part, and thereupon his Testimony was utterly rejected.

Mr. Bracton, lib. 3. fol. 118. saith, That an Accuser or Witness, must be *integre fons, & non criminofus, quia criminofus ab omni Accusatione repelluntur. Ut si Accusans fuerit Latro cognitus vel Utrogatus, vel aliquo genere Felonie convictus vel convincendus. Vide Pl. Co. L. 6.*

A Man attainted of Perjury, and the King pardons and restores him, &c. *Quare.* whether such a Persons Information shall be allowed against a Prisoner; for the old saying is, *Once forsworn, ever forsworn.*

A Man attainted of Conspiracy or Forgery shall not be received to give Evidence, nor to be a Witness. See *Crompt. 127. b.*

But if one be brought before a Justice of Peace upon suspicion of Felony, although the Information against the Prisoner shall be by such Witnesses, yet it seemeth safest for the Justice of Peace to take their Information for the King, and to bind them over to give Evidence, &c. and to commit the party suspected; and upon the Tryal to inform the Justices of Gaol-delivery, concerning the Credit of those Witnesses.