Concerning these Accusers or Witnesses, I have farther seen two old Verses, in these words:

Conditio, sexus, ætas, discretio, fama,
Et fortuna, fides; in Testibus ista requiras.

'And yet in case of felony any Man (though of no worth) may be allowed for a Witness or Proof.

'By Gods Law one Witness shall not be sufficient against an Offender, 'for any Sin, Trespass or Fault, *Numb.* 35. 30. *Deut.* 19. 15. And to the 'same purpose was the Stat. 25 *Hen.* 8. *cap.* 14. And yet now by our Law 'one Witness is sufficient, where the Trial is by a Jury: for they are all 'sworn to try the particular matter whorewith the Defendant is charged. 'So also one Witness is sufficient to convict an Offender before the Justice 'of Peace in divers cases, the Justice of Peace being so expresly therein 'enabled by Statute.

'And yet in other cases where the matter is to be tried by Witnesses 'only, it is meet that there be two Witnesses.

'But no Man is to be condemned without an Accuser, *John* 8. 10.

When a Prisoner shall be brought before the Justice of Peace for felony, or suspition thereof, but they that bring him, or first complained of him, will not or cannot inform any material thing against the Prisoner; 'Yet it 'seemeth the Justice of Peace ought to commit the party suspected after 'his Examination taken, and to bind over such as did first accuse the Pri- 'soner, or such as do bring him before the Justice to give in evidence, &c. 'And if afterwards the said Justice shall hear of any other Persons that 'can inform any material thing against the Prisoner to prove the felony, 'whereof he is suspected; the said Justice may grant out his Warrant for 'such Persons to come before him, and may also take their Information, &c. 'and may bind them to give in evidence against the Prisoner, for every one 'shall be admitted to give evidence for the King, *Stamf.* 163. See *antea* 'tit. *Felony*, and *tit. Accessary.*

And it seemeth fit, that the parties grieved be bound not only to give in Evidence, but also to prefer a Bill of Indictment against the Prisoner; and the other Persons which can inform any material thing to prove the felony, may be bound to give in evidence only.

P. Restit. 1. Br. Estra. 8 Dost. & Stud. 64. Stamf. 165 166.

§. 5. *Restitution.*

And for that Men should be the readier and more willing to give Evidence against Felons, the Statute made 21 *H.* 8. *cap.* 11. hath enacted, That if any Man hath any Goods stollen from him, if the Felon be thereof indicted, and after in any sort attainted or arraigned, and thereof found guilty, by reason of Evidence given by the party robbed, or Owner of the same Goods, or by any other by his procurement, (though the Thief be not hanged, nor have Judgment of Death) then the party robbed (or Owner of the Goods) shall be restored to his said Goods by a Writ of Restitution, though he never made any fresh Suit or Huy and Cry. Before which Statute the party robbed could have no Restitution, without suing of an Appeal against a Felon, and fresh Suit made.

'Also if the Felon shall be Outlawed upon the Indictment by means of 'the party robbed, or Owner of the Goods stollen, he shall have Restitu- 'tion of his Goods by a Writ of Restitution, *ut supra*, *Ba. D.* 76.

'And note, That the Justices before whom any such Felon shall be found guilty (or otherwise attainted by reason of Evidence given by the party robbed, or Owner, or by any other by their procurement) have power