

Execution, or removed by Transportation, by which least means they become a numerous Body in the Plantations, so that as the Law stood before this act, if a convict had cunning enough to make choice of proper accomplices, he might commit the highest crime with impunity. Nor do I see this Provision is repugnant to the true spirit of the English Laws, so as to raise any serious objection.

The Charter gives a Latitude to vary in some cases from the Law of England, which leaves a liberty to the Legislature to deviate where it shall be necessary or Expedient for the Colony.

And further, whether the Practice of admitting accomplices in England to be witnesses before conviction, does not in reason justify the Propriety of this act; For altho according to common sense the witness confessing his Guilt is equally undeserving of credit before conviction, as he would be after conviction; yet his Evidence is constantly received, because otherwise offenders here could not be brought to Justice. The same necessity therefore in another Country seems to authorize the like practice tho it may be as to form repugnant, as to want the Letter of the English Law, yet it will be substantially agreeable to the Spirit of it.

As to the second. Every innocent man is truly indemnify'd from all prosecutions, and yet if he is charged with a Crime, he ought to prove his Innocence; I don't suppose from the Inaccuracy in the Penning this Law, it was to be understood he was not to do so by Trial; But as doubt may arise whether the Killer is not to be privileged even from Indictment and Trial, and yet, how shall it appear, that the Killer was lawfully authorized to apprehend, or that the slave had offended, or had resisted but by Evidence at the Trial, so that a Trial is necessary to make this Excuse appear, and to bring on the Justification under this act. I could wish to see this Inaccuracy rectified by Expressions more