

A. B. of B.C. as his addition is in the Frenchment, for that he be
 Reading all the Frenchment in the British tongue and not in
 Latin to the end of it upon that Frenchment he hath been late
 Arraigned, and therunto pleaded not guilty, and for his trial
 hath put himself upon God and his country, which country
 you are. Your Charge is to Enquire, whether he be guilty
 of this high treason in Manner and form as he stands indicted
 or not guilty. If you find him guilty, you shall Enquire
 what goods or Chattels lands or tenements he had at the
 Time of the said high treason committed, or at any time since. If
 you find him not guilty, you shall Enquire, whether
 there for it: if you find that he did flee, you shall Enquire
 of his goods and Chattels, as if you had found him guilty. If
 you find him not guilty, and that he did not flee for it,
 say so, and no More, and hear your Evidence.

Now is the proper time for the King's Counsel
 or Attorney to open and speak to the Cause if they have a Motion
 to it and if not to produce their Evidence. But it is irregular
 to produce any Evidence without first opening it: for
 that were the way to let them in to call witnesses to
 things Improper, Rookwood Gry. 63. Evidence is either
 Books and Records, called Dead Evidence, or witnesses
 termed living Evidence, or presumptions and probabilities Evidence.

b. d. Appendix

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A Record out of a Court of Record of things Given up
 thereupon oath, is Evidence in another Court of Record
 but not, if the things in the Record were not sworn
 to, oaths; Gry 67. That the proceedings of the House of
 peers are good Evidence, because that is a Court of Record.
 And for the same Reason the Judgment of a Court that
 is good Evidence; oaths; Gry. 55. 56. The law gives such
 Uncontrollable Credit to all Matters of Record, made by
 any Judge of Record as such, that it will never admit
 of an Assumption against the truth thereof, Nor allow

it to be traversed. Rensel p. l. Cr. lib. i chap. 65. 517827.
 So that parties have no other Remedy to defend themselves
 against it but only by taking advantage of the Insufficien-
 cy of what is contained in it. But the Journal of the House
 of Commons is no Evidence because they have no power to
 give an Oath. Nor is an Order of a Court Baron to be Evidence
 for Evidence, it not being a Court of Record. oaths; Gry. 55. 56.
 Nor yet was a Copy of a Record in the Lord's House allowed,
 Lough. Gry. 43. Unless it were sworn to be a true Copy. ibid.
 15. Again, printed Trials are not admitted to be given in
 Evidence. 5 J. o. Gry. 45. oaths; Gry. 40. Lough. Gry. 50. And
 in strictness, that will not to be received which persons
 have sworn at another trial, unless those who Depose
 be dead. Because Depositions are not Records. But some
 times the prisoner is Indulged to prove it by witnessed
 oaths; Gry. 40. 2 Gry. 40. It was held that the Confession
 of offenders before Arraignment, might be given in Evidence
 Against them 2 And. 67. The Confession of the Prisoner
 himself taken before any Magistrate out of Court, is allowed
 to be given in Evidence against the party Confessing,
 but not against others whom on his Examination he
 Acknowledges to be Conspirators. Fel. Chap. 18. 7 M. 3 cap.
 382. But it is an Established Rule, that where ever
 a Mans Confession is made use of against him, it must
 all be taken together and not by parcels. Hawkins
 p. l. Cr. lib. 2 chap. 46. 55. Trials for Murder, Depositions
 taken before the Coroner (but not those taken before
 a Justice of Peace) may be read for Evidence, if either
 the party be dead, or beyond seas 2 J. o. Dep. 33. And
 if oath be made, that witnesses Examined before
 the Coroner be dead or unable to travel, their Exa-
 minations may be read, the Coroner first Making
 Oath, that these are the same which he took upon Oath.