

oath without Add Men or Alteration. And if the Judge be
 satisfied by Evidence, that any witness absent is Detained by
 the Means or procurement of the prisoner, the Examination
 of that witness before the Coroner may be had: but the Ma-
 king oath, that all Endeavours have been used the more
 to find an Absent witness, is not sufficient to Authorise
 the Reading his Examination before the Coroner. *Hawkins*
pl. Br. 263. Fel. App. 55. 2 Noble App. 19. Hawkins
Cr. lib. 2 chap. 46 § 63. Evidence Given by a witness at
 one trial cannot in the ordinary course of Justice, be Ma-
 use of against a Defendant on the Death of such witness
 at another trial, *Hawkins* *pl. Cr. lib. 2 chap. 46* § 12. Similarity of
 hands with other Circumstances in *Algernon Sidney's*
 case, was Ruled to be good Evidence of his having written
 a paper charged against him as an Overt Act of high
 treason, *Alg. Sidney's* *Try. 56.* But the Parliament Decla-
 red in the Reversal of *Algernon Sidney's* attainder that
 Comparison of hands is no Evidence of a Man's hand Writing in
 Criminal cases. And it seems now to be agreed, that such Com-
 parison is no Evidence of a Man's hand Writing in any Criminal
 case whether Capital or Not Capital, *Bish. Try. 64. 65.* *Haw-*
kins *pl. Br. lib. 2 chap. 46 § 15* Violent presumption from
 plain Circumstances is in some cases taken for full proof;
 as where a Man is stabbed in a house, and another runs out
 with a Bloody knife in his hand, and No one else is in the
 house at the time *Stampl. pl. Br. 179 a. Co. lib. 1 Just. 66.* *Haw-*
kins *pl. Br. lib. 2 chap. 46 § 12.* But the in some cases presumptions go far to prove a person
 guilty, the law is not express proof of the fact to be committed by him: yet when it must be every
 day speaking to Evidence by witnesses, which is the
 most living Evidence, I shall first show what legal Me-
 thods there is to Compell witnesses to appear. 2^o who
 may and who may Not be Witnesses. 3^o I shall Explain how
 a witness is to give Evidence, of what, or what is to be pro-
 ved by witnesses, and what Evidence is sufficient, or Maintains
 the

the Indictment.

In Prosecutions for M. P. Manslaughter the Defendant may
 take out Subpoenas of Service to bring in his witnesses State
 Trials Vol. 1 f. 969. vol. 3 f. 238. 252. 420 but in capital Cases
 he hath no right by the Common Law to any process against his
 witnesses without a special order *Hawkins* *ibid. 530*, upon
 which order suitable or convenient Charges are to be tendered.
 And any person Against Whom process is served out of a
 Court of Record to testify as a witness there, and to whom
 Charges are tendered, failing to appear without having
 Reasonable Let or Excuse, forfeits to the party grieved ten
 pounds sterling, and further must Yield him such further
 Recompence for his Damages as the Judge of the same
 court shall think fit *5 Eliz. cap. 9 § 12.* Those Accused and
 Indicted of treason whereby Corruption of blood may be
 Made or Misprision thereof hath the like process to Com-
 pell their witnesses to appear for them, as is usually gran-
 ted for witnesses Against them *7 W. 3 cap. 3 § 7.* And now since
 witnesses for the Prisoner as well as witnesses for the King
 must be sworn *1st. cap. 9 § 3* process may be taken out against
 them of course in any case what soever *Hawkins* *pl. Br. lib.*
2 cap. 46 § 30.

who may and who may not be witnesses.
bid. Appendix pag. 137. n. 2.

About the quality of persons renders them from ap-
 pearing upon the Jurors of Commoners; yet it doth not exempt
 them from the trouble of giving Evidence when called
 to it. It is no good Exception Against a witness that he
 is an Alien *Hawkins* *pl. Br. lib. 2 cap. 46 § 28.* Or that
 he is outlawed *ibid.* in a personal Action *Co. lib. 1 Just. 66.*
Hawkins *ibid. 52.* the such Exceptions be good against
 Jurors it *supra* pag. 820. *But* outlaws for felony and *ibid.* from giving Evidence
2 Noble App. 314 And so may Roman Catholics
 as well as Protestants *5 Jos. Try. 46. 64.* The latter
 having