

of the Examination of the one Against the other Under
so great a Bias, Might Occasion perjury, and Implacable Dis-
sentions betwixt them. But in the case of an Indictment for
the taking away a Woman she was allowed to be a Witne-
ss of the fact 4 Mod. Rep. 8. And a wife had been Received in
evidence against her husband when she was the party grieved
As an heiress taken away and prevailed on to Marry a
Man, may be a good witness to prove this fact against him
1 Vent. 248 Hawkins ibid. 516. In the Statute of Robberies
a Man swears for himself: because there can be no other
Witness, he is a good one 3 Mod. Rep. 114. 115. An Infant or
Minor may be a Witness even against his parents Indicted
of Witchcraft Dalton 366 and the prisoners brother was
allowed to bear witness for him Lord Dolemans Rep. 69.
Nor is it any objection to the testimony of Witnesses, that
they came and gave Evidence without a Subpoena served against
them Oats, Rep. 14. 57. But a prisoners Bail cannot be a Wit-
ness for him Until the Bail be Discharged Hambro. Rep.
32. styles Rep. 385. Hawkins ibid. 524. Nor can a Man Retain
his Counsel or his attorney or solicitor be Examined against
him as to any Matter that came to his knowledge as Counsel
attorney or solicitor in the cause: for such a one is obliged to
keep and not to Disclose his Clients secrets styles Rep. 449.
1 Vent. 197.

1 Vent. 197.
Some are Disabled to be Witnessed upon the Account of
their Religion and profession as Infidels or Atheists &c. See
C.B. i.e. those who believe neither the old nor the New Testa-
ment to be the word of God, on one of which law Requires the
oath to be Administered *Farquhar pl. Br. lib. 2 chapp. 46 § 26.*
But S. MARRION HALL (1793) pl. 2. pag. 279 appears to say 46 § 26.
Quakers or Baptists cannot give Evidence in any Cri-
=minal cause &c. *3 W. 3 cap. 34 § 6. 1 G. 1 cap. 6. punct. 8 G. 1 cap. 6.*
Upon the whole Many Exceptions that are good Against
Jurors as affinity or Consanguinity &c. (near so ever) are
not good against Witnessed *Booke, Just. 6 p. Roodwood Gry.*
42. Because Jurors are More Easily to be had than Wit-
nesses.

Objections against witnesses that do not touch their fame, or tend to subject them to legal pains, may be asked at them before upon a Vois Dire that is, may be referred to their own Declaration upon Oath; but such as reflect upon their Reputation, or Expose them to punishment, if Answered affirmatively must be made good other ways than by their own Acknowledgement. And Exceptions against the Sufficiency or Legality of a Witness or Against his being admitted, must be taken before he is sworn, and the Court Judge the same.

How Witnesses are to give Evidence; what they are to give Evidence of, or what is to be proved by Witnesses; and what Evidence is sufficient and Maintains the Judgment.

sufficient and maintain the Judgment
 No Evidence is to be given Against persons in cases of
 life but in their presence, Hale Gray. Vol. 4 ff 277. 310. Hawkins
 Pl. Cr. lib. 2 Chap. 46 § 1. In cases where the Jurors do not
 understand the British tongue, the Clerk presents an In-
 terpreter thus lay your right hand upon the Book and
 hearken to your oath: You shall well and truly Interpret
 to L. M. a Witness here produced in behalf of his Majesty against
 A. B. now prisoner at the Bar, the Questions and Demands
 which shall be made by this Court concerning the high treason
 whereof the said prisoner stands here now Indicted and You
 shall well and truly Interpret to this Court the Answer
 which the said L. M. shall thereunto give. So help You God.
 Lay the Book. The Clerk calls the Witnesses for the
 King Indicted on the Indictment, and bids them lay their Right
 hands upon the Book (which may be the Bible or the old or
 New Testament or a Common prayer book having the Epistles
 and Gospels as comprehended under the General of Sacrosancta
 Evangelia, but not a psalm Book & Noble Reg. 314) and the
 Oyer forewards them to give their Evidence thus: The Evidence
 which You and every of You shall give to the Court and the
 Jury Now sworn for our sovereign Lord the King against the