

c. 264. Hawkins *ibid.* § 34. Again, Evidence of the fact committed on another day than that laid
 in the indictment will maintain the indictment. Hawkins *ibid.* § 33. Hale *ibid.* c. 264. *Charl. 1794*. It is no Evidence in any Criminal case, that the
 Defendant said so, and so or words to the like effect; because
 the Court must know the very words, to judge of their force
 and Effect. H. 264. Hawkins *ibid.* § 36. 7. A Variance between
 an indictment of Death and the Evidence as to the Instru-
 mental cause mentioned in such indictment is no way Material
 so long as the party is proved to have Died by the same kind of
 death as is alleged in the indictment, and the Evidence agrees
 with the indictment in substance and Kind, tho' they differ in cir-
 cumstantial: as Evidence of killing with a staff, hatchet, or
 Dagger, will maintain an indictment of killing with a sword,
 the substance of the Matter being whether the Party gave the
 party a wound of which he Died. And Evidence of poisoning
 with one kind of poison, will maintain an indictment of poi-
 soning with another kind of poison, the substance of the Matter
 being whether the Defendant did poison the Deceased or No.
 But a Variance between an indictment and the Evidence
 as to the Kind of death is fatal: as Evidence of killing with
 a Weapon maintains not an indictment of poisoning: And
 the Evidence of poisoning will not maintain an indictment of
 death by killing with a Weapon. Hale pl. Br. 265. Hawkins
 pl. Br. lib. 2 chap. 46 § 37. Wherever a Variance between an
 indictment at Appeal and the Evidence brought to support
 them, is Material or Immaterial in Respect of the Prin-
 cipal; in the same cases also it will be Material or Immat-
 rial in Respect of the Accessory. Hale pl. Br. 265. Haw-
 kins *ibid.* § 38. 8. High treason whereby Corruption of blood
 may be Made or Misprision of such high treason not excepted
 in the Statute of 7 W. 3 cap. 3. Requires Evidence by two law-
 full Witnesses, either both to the same Overt Act, or one to
 one and the other to another overt Act of the same treason
 7 W. 3 cap. 3 § 2. Thus one Witness to each of several Overt Acts
 of the same kind of treason did sufficiently prove Henry 7. c. 47.
 56. Lord Russell 7. c. 50. 59. Kel. Rep. 9. Raym. Rep. 407.

408. the the Overt Acts were in several Counties, College 7. c. 12.
 The one witness to an Overt Act, and another to a Material
 Circumstance to prove it are sufficient Evidence. Hawkins
 pl. Br. lib. 2 chap. 46 § 2. Henry 7. c. 59. Two Witnesses to the
 same fact, tho' at several times, is sufficient Evidence 7. c. 55.
 For if it were not so, it were the hardest thing in the world
 to prove treason against any Man. seeing a Grantor would
 never do the same Act before two Witnesses at the same time.
 If two or more Grants of Divers kinds be laid in one bill
 of indictment; one Witness to prove one of the said treasons,
 and another Witness to prove the other, are not taken to be
 witnesses to the same treason within the Meaning of the said
 Statute, 7 W. 3 cap. 3 § 4. If at a Criminal trial for treason it be
 proved by two Witnesses, that he freely Confessed it upon
 Examination in an open Court that is good Evidence Against
 him tho' he deny the treason, without necessity of witnesses
 to prove him guilty; but cannot be Made use of Against any
 others whom on his Examination he Acknowledged to be
 Conspirators. Kel. Rep. 18. 7 W. 3 cap. 3 § 2.

As Evidence that is not Conclusive, may be good Evidence
 to induce Belief V. G. In an Action upon the case against one con-
 victed of perjury and pardoned, to Recover Damages only, the for-
 mer Conviction may notwithstanding the Pardon, be given in Evi-
 dence; and in a suit against one for calling the plaintiff a thief
 after he was pardoned, his former Conviction may be given
 in Evidence for Mitigation of Damages. Kel. Rep. 286. So the
 Prisoner may object Against the Cred. and Credibility of
 the Kings Witnesses, what cannot be Urged Against the
 sufficiency of their Evidence, or their being Witnesses; as that
 they were convicted of felony and pardoned. Rookwood 7. c. 41.
 44. Where a Witness at one trial Varied from his own Evi-
 dence at another in Relation to the same Matter, such Variance
 may also be given in Evidence to Invalidate his testimony at the
 second trial. Hawkins pl. Br. lib. 2 chap. 46 § 9. Albert Roman
 Cathericks be lawful Witnesses, unless such objections
 are Made to Invalidate their Evidence, as would have the
 same