

Jury is charged with a Prisoner, and after the Indictment read, Witnesses fail to appear, the Court always speaks thus to the Jury: *Gentlemen, here is A. B. stand indicted of a Crime, but here's no Witnesses come against him, so that unless, on your own Knowledge, you know him Guilty, you must acquit him:* And certainly if the Jury's Knowledge of a Man's Guilt, is enough to condemn him, I see not why their personal Knowledge of a Prisoner's Innocency, or of the Witnesses Swearing falsely, should not be sufficient to acquit him.

2. The other Ground upon which the Grand Juries are to proceed, is *Testimony of Witnesses*; and this is called EVIDENCE, because it ought to be such as may make the Matter clear, manifest plain and evident to the Jury; and of this Evidence the Jury, are the proper and only Judges; therefore they ought (according to their Oath) diligently inquire into the Quality, Repute and Circumstances of the Witnesses, the Likelihood of what they depose, and whether they do not swear out of Malice, Subornation, Self-interest, Combination, or some ill Design; which to discover, they will do well to examine them a-part, to note their Variations and Contradictions, to ask them sudden Questions, and what Questions are pertinent, not the Judges, but the Jury only can determine; for they may know how to make use of them towards Discovery of the Truth, though the Judge do not, and 'tis they are upon their Oaths, not he; 'tis they must satisfy their own Consciences, the Judge has nothing to do to intermeddle; he is bound by their Verdict: Let Witnesses be never so rampantly positive, yet if the Jurors have good and reasonable grounds, not to believe them they will, they