

they must, remain as ignorant to the Party's Crime as before: We find this expressly asserted for Law in our Books, as *Style's Reports, Lib. II.* though there be Witnesses who prove the Bill, yet the Grand Inquest is not bound to find it, if they see cause to the contrary: So *Coke Lib. 6.* The Judges use to determine *who* shall be sworn, and what shall be produced as Evidence to the Jury; but the Jury are to consider what Credit or Authority the same is worthy of. If a Grand Jury are not Judges of Evidence, they signifie nothing. If (as some would perswade us) because People swear desperately, though they do not believe them, they shall be bound to find the Bill, then they signifie nothing, and are no Security to preserve Innocency. A lewd Woman once resolved to indict the then Archbishop of *Canterbury* for a Rape, she swore it, no doubt, verily heartily; according to this new Doctrine of going according to Evidence the Jury must have presently have found the Bill, the Archbishop must have been committed to Prison, suspended from Ecclesiastical Jurisdiction, his Goods and Chattels throughout *England* inventoried by the Sheriffs; would it, think you, in that Case, have been a good Excuse for the Grand Jury, to have said, that though they believed in their Conscience the Baggage swore false, yet the swearing it positively, they as so many Parish-Clerks, were but to say *Amen* to her Oath of the Fact, and to find *Billa Vera* against that eminent Prelate? And if the Jury be Judges of the Credibility of Evidence in this Case, and may go contrary to it, Why, I pray, may they not have the same Liberty where they find good Cause in others?

If an Indictment be laid against a Man for criminal words, said to be uttered in a *Colloquium*,  
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