

*Evidence which the Jury have of the Fact, is much otherwise than that. For,*

1. Being returned of the Vicinage, where the Cause of Action ariseth, the Law supposeth them thence to have sufficient Knowledge to try the Matter in Issue (and so they must) though no Evidence were given on either side in Court; but to this Evidence the Judge is a Stranger.

2. They may have Evidence from their own Personal Knowledge, by which they may be assured, and sometimes are, that what is deposed in Court is absolutely false; but to this the Judge is a Stranger, and he knows no more of the Fact than he hath learned in Court, and perhaps by false Depositions, and consequently knows nothing.

3. The Jury may know the Witnesses to be stigmatized and infamous, which may be unknown to the Parties, and consequently to the Court.

Fol. 148. To what end is the Jury to be returned out of the Vicinage, where the cause of Action ariseth? To what end must Hundredors be of the Jury, whom the Law supposeth to have nearer knowledge of the Fact, than those of the Vicinage in general? To what end are they challenged so scrupulously to the Array and Poll? To what end must they have such a certain Freehold, and be Probi & Legales homines, and not of Affinity with the Party concern'd? To what end must they have, in many Cases, the View, for exacter Information chiefly? To what end must they undergo the Punishment of the villainous Judgment, if, after all this, they implicitly must give a Verdict by the Dictates and Authority of another Man, under Pains of Fines and Imprisonment, when sworn to do it according to the best of their own Knowledge?

A Man cannot see by another's Eye, nor hear by another's Ear; no more can a Man conclude or infer the thing to be resolved by another's Understanding or Reasoning;