

having more Pity for the former, than they Meet with at their hands.

Socij Criminis or Accomplices in cases of treason, Robbery, Burglary and the like heinous Crimes, the Indicted, if not for-
dicted, are always allowed to be good Witnesses for the King
against their Accomplices *Pharock Cry. 25. 67. Lord Raym
Cry. 61. Kel. Rep. 17. 3. Hobbs 136. Hawkins pl. Pr. lib. 2 cap
46 § 18.* For law with holds no Man from giving Evidence
is not convicted, or Made infamous for some Crime. And the
Discovery of such wicked works of Darkness can only prop-
ly come from the fellow offenders, to whom if they come in
and Repent, and justify their Repentance by disclosing the
truth, great Credit ought to be given. May if it were not
it would be impossible to find Evidence to Convict the
Greatest offenders; Treason and other heinous Crimes
might be committed with impunity, and could not be Dis-
covered. Such fellow Criminals whether pardoned or Not,
are held to be substantial witnesses for the King, *Lang
Cry. 27. Fenys Cry. 19. 30. or upon a penal statute 2 For
Rep. 155.* The King and Benefactor. But if a Man stands
indicted ~~and~~ charged with the same Crime as the prisoner,
the he be not convicted, his Evidence in behalf of the
Prisoner is of little Weight *5 Fel. Cry. 73* Yet in an Infor-
mation for a trial in the Crown office, two of the Defen-
dants; not witnesses appearing against them, were allowed
and sworn as witnesses in behalf of the other Defen-
dant, *Tidorf. 237 The King & Bedder. Hawkins ibid.*
It was resolved in the Star Chamber, that one of
Defendants Defendants accusing himself might be received
as a competent testimony to condemn his Compara-
ond; but that if he did not take guilt upon himself,
they could not be found guilty on his testimony, *Key
Rep. 154.*

It is no good Exception against a Witness, that he
hath received a Reward for having made a Discovery of
the Crime to be proved against the prisoner, *Hawkins
pl. Pr. lib. 2 chap. 46 § 25* or that he had the promise of
a pardon or other Reward, or Condition of giving his Evi-
dence, unless such Reward be promised by way of Contract
for giving such and such particular Evidence, or for full
Evidence, or any way in the least to bias him to go beyond
the truth, which not being easily avoided in promises or
threats of this kind, too great caution cannot be used in
Making them *Kel. Rep. 18. Hawkins pl. Pr. lib. 2 chap.
46 § 25.* The Sir Matthew Hale was of opinion, that a pro-
mise of pardon to a Criminal on Condition of giving Evi-
dence against his fellows, Disabled him to be a Witness
against them, because it was a bribe to be a witness by sa-
ving his life, *Kel. Rep. 18.* ^{state in stipple crim vol 2 pag 280.} <sup>When the King hath granted a proclamation promising a
reward to persons who should make further discovery of a plot which there is Evidence already
of a conviction, and a fortiori an Attainder or judgment</sup>
of treason felony Piracy Perjury forgery &c. is a good Excep-
tion against a Witness, so long as it continued in force,
if the Record be actually produced in Court, *Hawkins pl.
Pr. lib. 2 chap. 46 § 19 & 20.* But one convicted of treason or
felony and pardoned, is a good witness both against his asso-
ciates and other offenders *Kel. Rep. 33. Rayns Rep. 369.
5 Mod. Rep. 16. Rookwood Cry. 42. 44. Godbolt 286. 1. Ventr.
349.* For the pardon Restores him again to his good Name,
takes away both penalties and pains. It waives the the offender
Intirely plain, both of the guilt and punishment and all
the consequences of it. It works in way of Discharge as
much as being in the hand to a Criminal having
his Glory. It Makes him a New Creature and Capable
of the Pardon to be probus & legalis homo, and a good Wit-
ness. That is, the Kings pardon will Remove a Mans
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