

the prisoner at the bar shall be the truth, the whole truth
 and Nothing but the truth. So help you God. It is not lawfull
 to keep the witnesses out of hearing one another Depositions because
 that court is not to Dis courage or cast any Suspicion upon
 Witnesses, when Nothing is Made out against them. But
 it is in the Discretion of the court to favour the prisoner or
 not. ^{By examining the witnesses, as in Cook's case, 32, 33, 34, 35, 36, 37, 38, 39.}
 A Baron of the Realm being a witness stands Uncovered
 when the Judge asks him any Questions, but he is covered after
 his Evidence is over: even tho he hath been a party in
 treason, if he hath had pardon *Rambden* Gry. 17. After any
 witness for the King is done giving his Evidence, the prisoner
 may cross examine him, and ask him any fair or pertinent
 Questions; **But** if they have any Rewards for their Evidence,
 or for swearing in the cause *Oats* i Gry. 14. But is not allowed
 to put any Extravagant Insuring Questions to the witness,
 that may Subject him to Any penalty, or Make him charge
 himself with Any Crime, *Rawkins* pl. Cr. lib. 2 chap. 46
 as to ask a Roman Catholick whether he be a Jesuit or
 popish priest, *Oats* i Gry. 16. 5 *Jos.* Gry. 46. *Langh.* Gry. 17 or
 if he said in provisions of fire coal and Bickets to burn the
 city of Westminster, *Reading* Gry. 52 or to ask him any im-
 pertinent questions; as what another witness can swear
Mademan Gry. 73 or what others said, *Colledge* Gry. 40. since
 a witness is to tell only what he knows of his own knowledge
 When the whole evidence for the King is finished the
 prisoner is allowed to Make his Defense and observations
 The time was when witnesses for the prisoner against
 the King could be sworn only in cases not Capital *Reading*
 Gry. 43 and not in Capital cases 5 *Jos.* Gry. 45 whereby they
 had not equal Credit with the Sovereign witnesses that were
 upon Oath, ^{more being sworn who will say falsely what they will not swear} but the Jury were only to take heed what
 they said and to be Governed by it according to the Credibi-
 lity of the person, and the Matter. But now a witness for
 the prisoner must be sworn in a trial for treason or
 felony, and punished if convicted of wilfull perjury, in the

same Manner as a Witness for the King, *A. cap. 9* 83. When
 the evidence for the King is finished, the witnesses for
 the prisoner, if any be, are produced and sworn thus: The
 Evidence which you, and every of you shall give on the behalf
 of the prisoner at the Bar, shall be the truth, the whole truth,
 and Nothing but the truth. So help you God. The Prisoner
 may call witnesses to Dis argue and Confute the Credit of the
 Kings witnesses, by giving an Account of their Characters
 at large, or the general honor of their Conversation: but the
 Court will not try whether a witness be guilty of particular
 Crimes, because as to these he had no Opportunity to Answer
 or Defend himself, not being apprized that such objections would
 be Made, *Rochwood* Gry. 65. *Rambden* Gry. 37, 38. The prisoner may
 also bring witnesses to his own Reputation and Behaviour
 to satisfy the Court that he cannot be such a person as the
 Indictment says, and as the witnesses for the Sovereign
 have Deposed. But if he call any witnesses to justify the
 truth for him, and ask them any questions; he must take
 what they have said as truth, and must not think afterward
 to call other witnesses to Disprove his own witnesses *Colledge*
 Gry. 56. As the prosecutor first examined the witnesses pro-
 duced against the prisoner, and then the prisoner may cross examine
 them: so the prisoner first Examined his own witnesses, and
 after any witness for the prisoner hath been Examined, the
 prosecutor may cross Examine him, observing always the Rules
 of pertinency and fairness; and May bring Evidence to weaken
 the Credibility of the witnesses for the Prisoner. And the
 prosecutor Replies to the prisoners Defense.
 A witness may Make use of Notes to Refresh his Me-
 mory and tell the Court the substance, but his God testimony
 must not be Moved to Read them *Coalman* Gry. 37. *Oats* Gry.
 70. *Green* Gry. 48.
 The Jury are Judges of the Weight and Import of objecti-
 ons made in Evidence by the prosecutor and prisoner to take
 off from the testimony of witnesses produced by one another.