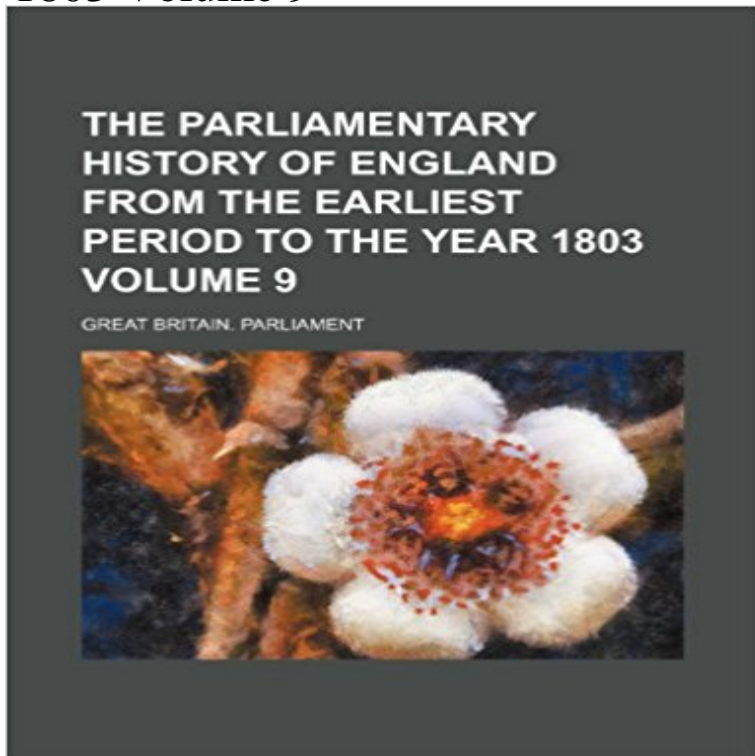


The Parliamentary history of England from the earliest period to the year 1803 Volume 9



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1811 edition. Excerpt: ...yet known, that any court of judicature proceeded to examine witnesses, without having first the particular facts laid before them, which were to be proved by the witnesses, and likewise the persons names, against whom the witnesses were to prove those facts. This is a rule which must be observed, in all courts of judicature, otherwise they can never know what they are about; and therefore, if your lordships are to proceed upon this affair in your judicial capacity, which I think you must, you cannot regularly proceed to examine any witnesses, till you know the particular facts those witnesses are brought to prove, and the names of the particular persons against whom those facts are to be proved, without which I cannot comprehend, what use you are to make of the proofs, that are to be laid before you, or for what end you are to put a great many gentlemen, and for what I know, noblemen also, to the expence and trouble of coming a-great many miles to be examined as witnesses at the bar of this House. I am, my lords, as much as any lord in this House, for making a most strict enquiry into the matters complained of by the petition now before us; and, for this reason, I am for our taking such previous steps, as may enable us to proceed with certainty, ease, and satisfaction to ourselves, without doing an injury to any innocent man; for if we proceed to examine witnesses before we have fixed upon the particular matters, as to which those witnesses are to be examined, I foresee that we must involve ourselves in difficulties, which we shall find altogether inextricable; and as the right of the sixteen noble lords who now sit in this House, as the representatives of the peerage of Scotland,

is the chief thing to be considered, I think the petitioners...

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