

which are to be carefully and attentively brought into the account. The opportunity of confederacy, or the want of such opportunity, is a most important consideration in determining the effect of numbers. The concurrence in speaking of one observation of one detached fact, is of much inferior value to the concurrence of persons speaking from detached and separate observations of different facts leading to the same conclusion. I have already had occasion to advert to the accordance or variation of witnesses speaking of the same occurrence, to the difference between that inconsistency which essentially fastens itself upon the substance of the relation, and that which may be fairly referable to different degrees of accuracy or minuteness, in the observation or memory of facts which have actually occurred ; and to the unity and accordance, which, being too strict and circumstantial, are inconsistent with that diversity of observation and expression that naturally occurs in the unprepared account of a real transaction, and afford an indication of concert and design. It is not an unfrequent observation that if one of the witnesses in support of a cause is not entitled to be credited, the discredit attaches to the cause and extends to other witnesses apparently unexceptionable. This kind of objection is, I think, sometimes applied too generally, and without using that caution and discrimination which the principle of it essentially requires. In case the impeachment of the veracity of a particular witness results from circumstances that indicate management and fabrication in the cause itself ; in case the perjury of the witness implies the subornation of the party ; the whole system may be regarded as tainted and corrupt, unless there are in any other respects, superior reasons for believing the contrary ; and the mere absence of circumstances of suspicion, directly affecting the other witnesses, will not destroy the presumption of falsity that has attached itself to the cause. But if the imputation upon the particular witness is