

same force against Protestants: Yet in the trial of Richard Langhorn Counsellor at law in the year 1679 for conspiring the death of King Charles 2 and subversion of the Protestant Religion; the Lord Chief Justice Directed the Jury to consider that the witnesses produced for him to disprove the Evidence Against him, were all for a papist that spoke in a General cause, Which the principles of their Religion taught them to propagate by the Most Wicked Means and Ways of Equivocation and perjury; which took off Much from the faith that other ways should be given to them, Especially when Answered by Contrary Evidence Langh. Jry. 60. The it was Answered to this objection, that if they were not to be credited because papists and friends to the prisoner, the protestant witnesses against him are not to be believed for that they are Enemies Langh. Jry. 58. The Prisoner may be Allowed for Weakening the testimony of a witness that Deposeth Concerning the Prisoners having been in a Conspiracy with him Against the Government; to prove, that he the Prisoner had a bad opinion of that witness, and so it was not probable he would have joined or Conspired with him in such a Design or plot; but was not Allowed to prove, that a third party had no good thoughts of that witness, Hambro. Jry. 36.

The Evidence Against and for the Prisoner being finished he and his counsel are allowed to Make a Defence and observations; and the prosecutor to Reply. Then the Chairman sums up the Evidence to the Jury, and Directs them what is law, or what is of force in law, leaving them to Judge the truth of the Evidence which is a fact Arising from it: According to the Record, as questionum Juris Respondent Juridicis; as questionum facti Respondent Juratoris. But sometimes in intricate cases, he Directs the Jury to find the Matter specially i.e. to Report to the Court what they find proves to have been Done, referring the point of law to the Determination of the Judges. If the case be plain, the Jury Consult together without going from the Bar: and if they do all agree, the foreman of

of the Jury in Name of himself and the Rest pronounce their Verdict. But if the case Require Debate, the Clerk of Arraignments bids the Jury swear a Bailiff to keep the Jury thus: You shall well and truly keep this Jury, without Meat Drink fire or candle; you shall not suffer any person to speak unto them; nor your self, unless it be to ask them whether they are Agreed of their Verdict, untill they shall be agreed of their Verdict. So help you God. But if the Jury be met before the Night time, the word candle is omitted out of the Bailiff's oath. The Bailiff takes them to some convenient Room provided for that purpose, locks them in and Attends at the Door, while they are considering the Evidence; and will hold from them Meat drink fire and candle (unless they are shut up in the Night time when they are allowed candle) to oblige them the sooner to consider their Verdict. A Juror was committed to prison for having a table, viz. Bonfire of barberries in his pocket, tho he did not eat them 1 Leon 133. The Jurors must be all Men and must be before they can Return their Verdict. Which hath been so far abused, that Sir John Jonwick in custody for high treason advised in a letter to his Lady, to work with some person of the Jury to stand it out and share the Rest, as tho only probable Means to save him who had no Defence against the Charge that might be laid against him. But tho a Jury, man differing in Judgement from the Rest may Impare keep them at a bay for a time when the Reason given for his Dissent is not so Cogent as the Grounds they work upon: Yet if he keep his fellows from giving their Verdict, without offering any Reason for his Dissent, or wilfully withdraw from them, he may be committed and fined as guilty of a Misdemeanour, Not for Justice offence 375. If the Jury cannot Agree Upon their Verdict in Capital cases at the Assizes, they must be carried Round the Circuit till they do all Agree; Contr. 95. The Jury may find a thing which is not given them in Evidence, if they know it of their own knowledge: for they may Inform themselves of the truth of the fact they are to try by all pos-