

possible and lawful Means, and are not tied solely to the Evidence given at the Bar, *Styls Pract. Reg. 335. 336.* Upon which Account they ought to be *Devicenda*. But they cannot upon the same Indictment and Evidence Against two, find the one guilty of one Crime and the other guilty of another Crime *Id. 171.* Where a Jury finds the issue and More, the Verdict is good for the issue and Void for the Residue, *Styls Pract. Reg. 643.* Persons Indicted of high treason cannot be ~~found~~ convicted of Misprision of treason, but must either be found guilty of the Crime laid in the Indictment or Acquitted, *Wadeham 174. 83.* The Jury may find the treason to have been committed before or after the time laid in the Indictment *Kol. Rep. 16. Hale pl. Br. 264.* Because the forfeiture relates to the day found by the Verdict, and not to the day in the Indictment. Or in such a case where the day in the Indictment varies from that in the Evidence, the Jury may find Generally Against the Prisoner, and leave the person interested in point of time to falsify. Juries do Mostly give their Verdict in the General terms of guilty or not guilty; which is called a General verdict, and determines both the point of law and fact. But frequently in case of Intricacy and importance they sometimes by Direction of the Court, and sometimes of their own proper Motion, find the Matter specially, or Report to the Court the Matter of fact Referring to them the point of law: which is called a Special Verdict. And if it contain an ample Declaration of the cause from the Beginning to the End, it is termed a Verdict at large. The Jury may give a Special Verdict in any Criminal case whether Capital or not Capital *Hawkins pl. Br. 442. Reg. 4793.* But it is Dishonourable for the Court to suffer a Special Verdict in a plain case *Kol. Rep. 29. 30.* A Jury sworn and charged in a Capital case, cannot be discharged (without the prisoners Consent) till they have given their Verdict *Hawkins ibid. 51.* When the Jury lets the Bailiff sit to keep them down they are agreed, he lets them out of their Confinement, and brings them back into the open Court when it is sitting, to give their Verdict there in

in face of the prisoner. For a private Verdict or Verdict given in private out of Court before any of the Justices, is allowed only on Informations as in Civil cases *Styls Pract. Reg. 689* and not in cases of treason or Misprision of treason or in any Capital case which ^{which carries life} *Foke, 1 Inst. 227. b. 31 Inst. 110. Hale pl. Br. 267. Reg. 193. Hawkins ibid. 52.* Because in such cases, the Jury are commanded to look upon the prisoner at the giving of their Verdict.

When the Jury come into court to return their Verdict (which is not so strictly tied to form as an Indictment) the Clerk says, Gentlemen of the Jury Answer to your Names, and calls them over. After they have answered to their Names, he asks, are ye agreed of your Verdict? And if they say Yes, as he, who shall say for you? The Jury Answer, the Foreman. The Clerk then the keeper for A. B. the prisoner to the Bar; and he the prisoner being fitted there, the Clerk says, A. B. hold up thy hand. You of the Jury look up on the Prisoner: how say you, is A. B. guilty of the high treason of which he stands Indicted, or not guilty? If the Foreman say guilty, the Clerk asks, what goods or chattels lands or tenements had he at time of the treason committed or any time since to your knowledge? If the Foreman Answer, none to our knowledge as commonly he does (the Clerk adds to the po. so before written over his Name in the Indictment, *Edw. 3c. 1733. cul. ca. vel ter. Null. i. or. Culpa. lib. caladia. vel terra. Nulla.* And then says to the Jury, hearken to your Verdict as the Court hath Recorded it. You say that A. B. is guilty of the high treason where of he stands Indicted; and that he had no goods or Chattels at the time of the said high treason committed, or at any time since, to your knowledge: And thus you say all. When the prisoner is found guilty by Verdict of the Jury, he is said to be convicted. When the Clerk of Arraignments says, keeper take A. B. the prisoner from the Bar, and look to him, he stands convicted of high treason. If the Foreman of the Jury in Answer to the