

from the exercise of judgment, whose workings are independent.

Mr. Williams, knowing that it is his duty to act under the will, says that if his opinions were adverse to his promise he would resign; but that he can conscientiously act without any violation of duty or promise.

In the every-day practice of our criminal courts, in their examination as to the qualifications of jurors in murder trials, the question of the extent of the influence upon the judgment, of conscientious scruples, is held to be for the jurors themselves.

In *Commonwealth v. Knapp*, 9 Pick. 496, "Mr. Green
"stated in reply to the inquiry in regard to his opinions
"upon finding a verdict in a case punishable with death,
"that he was opposed to capital punishment, but that he
"did not think that his opinions would interfere with his
"doing his duty as a juror. The Chief Justice, after con-
"ferring with the other judges, intimated to him that the
"state of his opinion was a matter which he must decide
"for himself; that as he had stated it, the court did not
"consider him disqualified. Mr. Green, after some hesi-
"tation, took the oath. When he was called to take his
"seat he stated to the court that he thought it inconsistent
"for him to serve as a juror, holding the opinions he did,
"and should prefer being let off. The Chief Justice re-
"marked, that it was a question to decide whether his
"opinions would prevent his giving an unbiased verdict.
"Mr. Green replied that he thought he could give an
"unbiased judgment, yet he had a sympathy for the pri-
"soner and his family, and feared that his opinions in
"relation to capital punishment might influence others of
"the jury. The court, upon conference, ruled that his
"case did not come within the statute, and he was not
"excused."

"When, notwithstanding his having conscientious scruples against capital punishment, a juror thought he could do justice between the State and the accused, he was held