

Course of Life, or the Credit of the Evidence : And all these must first be fully satisfied in their Consciences, that he is Guilty, and so unanimously pronounce him upon their Oaths, or else he cannot be condemned. For the Office and Power of these Juries is *Judicial* : They only are the Judges, from whose Sentence the Indicted are to expect Life or Death ; upon their Integrity and Understanding, the Lives of all that are brought into Judgment, do ultimately depend ; From their Verdict there lies no *Appeal* : By finding Guilty or or Not Guilty, they do complicateately resolve both Law and Fact.

*Judges* are made by Prerogative, and many Times heretofore they have been preferred by corrupt Ministers of State, and may be so again in Time to come ; and such advanced as would serve a present Turn, not always those of the most Integrity and Skill in the Laws : Their Places are so honourable and Profitable and their Tenure so ticklish, viz. *durante beneplacito*, meerly during Pleasure, that they lie under no small Temptations, which perhaps with some may be nevertheless unlikely to prevail ; for their having generally been wont to take Fees, they are concern'd in so many Causes, that they are the oftener subject to be tempted, and are so few that they may be the easier corrupted : They cannot be challenged, and may be apt to think themselves above any Action, and thence be encouraged to strain a Point now and then. The major Part of them agreeing, is enough ; they are never sworn at each particular Trial, nor ever at all but once, and that exceeding generally. I say, all these Things may possibly happen to bias some Judges, (for I intend not the least Reflection hereby on any of those honourable Persons, who now deservedly sit upon