

S E C T. V.

That Juries are not finable, nor any way to be punish'd under pretence of going contrary to Evidence, or against the Judges Directions.

Much of what we have said of Grand Juries, is also applicable to Petty Juries, so that we need not repeat it; only must answer one Objection. Some Jurymen may be apt to say,--- If we do not find according to Evidence, though we have reason to suspect the truth of what they swear, or if we do not find as the Judge directs, we may come into trouble, the Judge may fine us, &c. --- I answer, This is a vain Fear: No Judge dares offer any such thing; you are the proper Judges of the Matters before you, and your Souls are at stake; you ought to act freely, and are not bound, though the Court demand it, to give the Reasons why you bring it in thus, or thus; for you of the Grand Jury are sworn to the contrary, *viz. To keep secret your Fellows Counsel and your own*: And you of the Petty Jury are no way obliged to declare your Motives; it may not be convenient. 'Twas a notable Case before the Chief Justice *Anderson* in Queen *Elizabeth's* days: A Man was arraigned for Murder; the Evidence was so strong, that eleven of the Jury were presently for finding him Guilty, the twelfth Man refused, and kept them so long that they were ready to starve, and at last made them comply with him, and bring in the Prisoner Not Guilty. The Judge, who had several times admonish'd this Jury-man to join with his Fellows, being surpriz'd, sent for him, and discoursed him privately;