

to whom, upon promise of Indemnity, he at last own'd that he himself was the Man that did the Murder, and the Prisoner was innocent, and that he was resolv'd not to add Perjury, and a second Murdet to the first. — But to satisfie you, that a Jury is no way punishable for going according to their Conscience, though against seeming Evidence, and the Reasons why they are, and ought not to be question'd for the same, I shall here recite an adjudged Case, that of *Bushel*, in the two and twentieth Year of King *Charles II.* reported by the Learned Sir *John Vaughan*, whose Book was licens'd by the then Lord Chancellor, the Lord Chief Justice *North*, and all the Judges then in *England*: The Case begins Fol. 135. and continues 150. the whole well worth reading; but I shall only select certain Passages. —

The Case was this.

**B**USHEL, and others of a Jury, having at a Sessions, not found Pen and Mead (two Quakers) guilty of a Trespass, Contempt, unlawful Assembly, and Tumult, whereof they had been indicted, were fined forty Pound a Man, and committed till they should pay it. Bushel brings his Habeas Corpus, and upon the Return it appeared, he was committed, — For that contrary to Law, and against full and clear Evidence openly given in Court, and against the Directions of the Court in matter of Law, they had acquitted the said W. P. and W. M. to the great obstruction of Justice, &c. Which upon solemn Argument was by the Judges resolved, to be an insufficient cause of Fining and Committing them; and they were discharged, and afterwards brought Actions for their Damage. The Reasons of which Judgment are reported by Judge *Vaughan*, and amongst them he useth these that follow, which I shall give you in his own Words.