

Fol. 140. One fault in the Return is, That the Jurors are not said to have acquitted the Persons indicted, against full and manifest Evidence, corruptly, and knowing the Evidence to be full and manifest against the said Persons indicted; for how manifest soever the Evidence was, if it were not manifest to them, and that they believed it such, it was not a finable Fault, nor deserving Imprisonment: Upon which difference, the Law of punishing Jurors for false Verdicts, principally depends.

And, Fol. 141. I would know, whether any thing be more common, than for two Men, Students, Barristers, or Judges, to deduce contrary and opposite Conclusions out of the same Case in Law? And is there any difference, that two Men should infer distinct Conclusions from the same Testimony? Is any thing more known, than that the same Author, and Place in the Author, is forcibly urg'd to maintain contrary Conclusions, and the Decision hard which is in the Right? Is any thing more frequent in the Controversies of Religion, than to press the same Texts for opposite Tenets? How then comes it to pass, that two Persons may not apprehend with Reason and Honesty, what a Witness, or many say, to prove in the Understanding of one, plainly one thing, but in the Apprehension of the other, clearly the contrary thing? Must therefore one of these merit Fine and Imprisonment, because he doth that which he cannot otherwise do, preserving his Oath and Integrity? And this is often the Case of the Judge and the Jury.

And Fol. 142. I conclude therefore, That this Return, charging the Prisoners to have acquitted P. and M. against full and manifest Evidence, first and next, without saying, that they did know and believe that Evidence to be full and manifest against the Indicted Persons, is no Cause of Fine and Imprisonment.