

soning; and though the Verdict be right the Jury give, yet they being not assured that it is so, from their own Understanding, are forsworn, at least in foro Conscientiæ.

Fol. 149. And it is absurd to fine a Jury for finding against their Evidence, when the Judge knows but part of it; for the better and greater part of the Evidence may be well unknown to him, and this may happen in most Cases, and often doth. Thus far Judge Vaughan.

'Tis true, in *Wharton's Case* they were fined for giving a Verdict against the Direction of the Court; but the Judges were of Opinion, That there had been some very undue Practices to procure that Verdict. *Relv. 23.*

They were also fined and committed in *Wagstaffe's Case*, and upon an *Habeas Corpus* brought, they were not bailed; but this must necessarily be for some Misdemeanour, though tis not mentioned in the Case, and not for refusing to find a Verdict according to the Evidence, because they were not fined equally, which they would have been if their supposed Fault had been equal. *Hardres, 409.*

In Cases of Life and Member, if they cannot agree on their Verdict at the Assises, they must be carried on the Circuit till they do agree. *1 Vent. 97.*

If after they are gone from the Bar, one of them calls a Witness who was sworn before, and had given his Evidence in the Cause, and then desires him to repeat it again, which he did, this is a Misdemeanour, and the Verdict shall be set aside. *Cro. Eliz. 189.*

And though they cannot be punished upon a pretence of finding a Verdict contrary to Evidence;