

into lamentable perplexities ; as it befel the Jury who were the triers of Mr. Udal, a minister, who in the 32d year of Queen Elizabeth, was indicted, and arraigned, at Croydon in Surry,\* for high-treason, for defaming the Queen, and her government, in a certain book entitled, 'A Demonstration of the Discipline, &c.' And though there was no direct, but a scrambling shadow of proof ; and though the book, duly considered, contained no matter of treason, but certain words which by a forced construction were laid to tend to the defamation of the government, and so the thing [was] prosecuted under that name ; yet the Jury, not thinking that in pronouncing him guilty, they had upon their oath pronounced him guilty of treason, and to die as a traitor ; but supposing that they had only declared him guilty of making the book ; hereupon they brought him in guilty : but when, after the Judge's sentence of death against him, which they never in the least intended, they found what they had done ; they were confounded in themselves, and would have done any thing in the world to have revoked that unwary pernicious verdict, when, alas ! it was too late. Dr. Fuller has this witty note on this gentleman's conviction, 'that it was conceived rigorous in the greatest, which at best' (saith he) 'is cruel in the least degree.' And it seems so Queen Elizabeth thought it, for she suspended execution, and he died naturally. But his story survives, to warn all succeeding Jurymen to endeavour better to understand what it is they do, and what the consequences thereof will be.

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\* See State-Trials, fol. vol. I. p. 161.