

ciple woven into the constitution several centuries before, and confirmed by the charters of Henry I, of Stephen and of Henry II.

After the articles mentioned above followed some of the most important provisions of the Charter. "We will not sell, we will not refuse, we will not defer right or justice to anyone." This clause was designed to remedy the nefarious custom by which John and Henry II had been in the habit of extracting sums of money; viz, the giving of judgment in favor of the party offering the larger price, as well as causing suits at law to drag on for years, and by that means replenish the royal coffer. It is easy to conceive the mischief wrought by these unjust proceedings—the transgression of the very fundamental principle of all law, human and divine. How many of the miseries that have been inflicted upon the world, and how many of the social upheavels and civil strifes not only of past ages, but even in our own days owe their origin to the influence money has brought to bear on legal decisions, even on legislation itself?

Immediately following the clause spoken of above, was another closely allied to it which read: "No free-man shall be arrested, or imprisoned, or disseised of his land, or outlawed, or destroyed in any manner, nor shall the king go upon him, nor send upon him but by the lawful judgment of his peers, or by the law of the land". This clause was intended to check the lawlessness with which John proceeded against those whom he suspected of being his enemies. An instance of this is found in the arrest of all the relatives of Langton when the latter fell under the king's displeasure. Previously the same thing had happened in the banishing of

all the friends and relatives of Thomas à Becket by Henry II, for no other reason than to humiliate the intrepid Archbishop. Henceforth, all actions were to be taken through form of law based upon judgment of peers. This involved the recognition of an institution which forms the distinguishing feature of the judicial system existing at the present day: trial by jury. The origin of this institution is generally believed to date from the time of Alfred, and indeed, many facts point out a striking analogy between the manner in which judicial proceedings were then conducted and our regular jury. But whether the honor of its establishment is due to that early period, it is not necessary to decide here. It is quite certain, however, that judicial administration was based upon this principle before the Magna Carta was drawn up, for we have an instance of it beyond doubt, in the assizes of Clarendon held in the reign of Henry II.

There had existed from a very early date a royal claim to the right of preëmption. By this right the king could seize or employ any property for his use, or for that of his household if occasion should demand it. In all cases, however, payment should be made for the property, or for the services obtained. The abuse of this right arose from the king's exercising it upon unnecessary occasions, and moreover, instead of returning value, invariably giving a mere formal tender, or promise, which was seldom, if ever, redeemed. To put an end to these injustices, it was enacted that immediate payment should be made upon all occasions by the crown, for the property, or for the use of the property of any