

fellow subjects, whilst serving upon juries. In this situation he must decide, and that upon his oath, questions of nice importance, in the solution of which some legal skill is requisite, especially when the law and the fact are blended together. The incapacity of jurors to do this, unavoidably throws more power into the hands of the judges than the constitution intended, and thus allow others to dispose of fortunes and lives, which, by law, are committed to their care.

#### IV.—*Justices of the Peace.*

When we consider the profound learning, and the practical knowledge, which the magistrate, in conscience and decency, ought to possess, we cannot help being surprised to see with what facility the commissions of the peace are filled up.—The magistrate is bound to maintain good order in his neighbourhood; protect the peaceable and industrious; heal petty dissensions, which is so desirable; prevent vexatious prosecutions, which are so common; to point out to jurors the course they are to follow in their investigations of points of law, and points of fact.—How will he perform his task? Should he not be like other justiciaries, not only the best, but also the most learned;(1) else when he has mistaken his authority, through passion, through ignorance, or absurdity, he must become an object of contempt for his inferiors, and of censure for those to whom he is accountable for his conduct.(2)

#### V.—*Judges.*

Should a judge, in the most subordinate jurisdiction, be deficient in the knowledge of the law, it would reflect infinite contempt upon himself, and disgrace upon those who were instrumental in his appointment. But how much more serious and affecting is the case of a superior judge, if, without any skill in the laws, he should venture to decide a question, upon which the welfare and subsistence of many families may depend; where the chance of his judging right or wrong is most alarming; and where, if he chance to judge wrong, he does an injury of the most alarming nature, an injury without possibility of redress.(3)

#### VI.—*Members of the National Councils.*

Most men, at some period or other of their lives, are ambitious of representing their country in its national councils; those who are ambitious of receiving so high a trust, would also do well to remember its nature and importance. The constitution has profusely bestowed protection, privileges, and honours upon their members, freedom of speech, exemption from arrest, protection of domestics, mode of address; all is combined to make them bear what they ought to be—the most honourable and the most learned men of the Commonwealth.(4) They are not thus distinguished from the rest of their fellow subjects merely by favour, and so that they may privilege their persons or domestics, that they may enlist under party banners, that they may grant or withhold supplies, but upon considerations far more

(1) See Magna Charta, ch. 22.

(2) Blackstone's Commentaries, vol. 1 of the Study of the Law, page 8, § 9.

(3) Blackstone's Study of the Law, vol. 1, page 11, § 9.

(4) *Infra*, see British Constitution.