In England and Ireland, where the principle of the criminal law requires the injured party or his representative to prosecute, he can only do so by permission of a jury of accusation, called the grand jury, which consists, ordinarily, of twenty-four men. To find a bill, there must, at least, twelve of the jury agree. Another jury, which consists in England and Ireland of twelve men (the petty jury), sits for the purpose of deciding if the evidence against the accused (if he plead not guilty) has established his guilt.

A coroner's jury inquires into the facts of a case, when any person is slain, or dies suddenly, or in prison, or under suspicious circumstances. In Scotland there is no coroner's jury or inquest. The state of the Scotch law in this respect seems to be very unsatisfactory.

The limits of this essay do not permit us to mention other descriptions of juries, but they are all founded upon the grand principle of the trial of facts by the country, or in other words, by the people themselves.

As we have stated, the common law of England is involved in deep obscurity. The reader must understand that the reason why so much value is attached to the common law is, because trial by jury is one of its principles. In the time of Alfred the Great, the local customs of the several provinces of the kingdom had grown so various, that he found it expedient to compile his dome-book, or *liber judicialis*, for the general use of the whole kingdom. This book is said to have been extant so late as the reign of Edward IV., but is now unfortunately lost.

The irruption and establishment of the Danes in England, introduced new customs. The code of Alfred the Great fell into disuse or was mixed with other laws in many provinces, so that about the beginning of the 11th century there were three principal systems of laws prevailing in different districts. Out of these three laws, King Edward the Confessor, it is said, extracted one uniform law, or digest of laws, to be observed throughout the whole kingdom, and it seems to have been no more than a new edition, or fresh promulgation of Alfred's code or dome-book, with such editions and improvements as the experience of a century and a half had suggested. It is recorded in history that Edward framed equitable laws; for we find that when the people complained of the oppression of the Norman Kings, they demanded "the good old laws of Edward the Confessor."

It would be difficult to determine even from these codes of the laws of the Anglo-Saxons, whether trial by jury entirely originated in England from these laws. "It is a point of curious inquiry, not yet, so far as we know, fully discussed," observes a writer, "to ascertain how far the Saxons, on their invasion of the island, moulded, or adapted their political institutions to those which they found existing in Roman-Britain. The Saxons, we know, ultimately possessed themselves of all the Roman walled cities, of which they formed their boroughs; and it is hardly conceivable that a comparatively small body of invaders would completely overturn all those municipal institutions, which, though less free than their own, would present them, so far as administration was concerned, with useful means for securing and consolidating their acquisitions. The principal Saxon boroughs existing at the period of the Norman conquest, were the towns girt by the walls and towers erected under the Roman regime."

The laws of Edward the Confessor were those which our ancestors struggled so hardly to maintain under the first princes of the Norman line, and which princes so frequently promised to keep and restore, as the most popular act they could do, when pressed by emergencies or domestic discontents. In England, the progress of liberty has been in a great measure attributed to the division of interests in the country. The great nobility had an interest in checking the power of the Crown, and the Crown had an interest in checking the nobles. Each party in turn courted the aid, both personal and pecuniary, of the commons. Hence the active part which the people, especially of London and of the large towns, took with the barons in enforcing the solemn settlement of the limits of the royal prerogative, which was embodied in "the Great Charter, or Magna Charta" conceded by King John on 15th June, 1215, wherein it is distinctly expressed that all cities, boroughs, and ports shall have "their liberties and free customs." The famous clause which has attracted chief interest, is that which enacts that no freeman shall be affected in his person or property, save by the legal judgment of his peers, or by the law of the land. The judgment by his peers, is held to refer to trial by jury. Legal writers have found a stately tree of liberty growing out of the seed planted by this simple sentence. They see in it the origin of judicial strictness, which has kept the English judges so closely to the rules laid down for them in the books and decisions of their predecessors. There was a furthur leaning on the part of the barons to the popular system of the common law, from the circumstance that attempts were made to introduce the doctrines of the civil (Roman) and canon laws, which are inimical to trial by jury. The Great Charter has always been a great object of veneration with the English nation, and Sir Edward Coke reckons thirty different occasions on which it was ratified.

On the other hand, the kings of England frequently sought to obtain the co-operation of the people to limit the power of the nobles. The Crusaders were the means of promoting the establishment of the common law, and consequently of trial by jury, upon a firmer basis. The absence of so many barons, during the time of the Crusades, was a means of enabling the common people, that had hitherto lived in feudal subjection to the nobility, to raise themselves in public standing and estimation; while the possessions of many of these barons by sales, or by the deaths of their owners, without heirs reverted to the sove-