

Of the Judicial Power.

XIII. THE power of judging ought not to be vested in a permanent senate, or council, consisting always of the same members, but should be exercised by persons taken from the body of the people at certain appointed times of the year in a manner prescribed by the laws, so as to form *an occasional tribunal* that shall exist no longer than the cause which gives rise to its creation. This was the practice formerly at Athens, and is so at this day in England by means of the excellent mode of trial by juries which is there established.

XIV. By means of this precaution the power of judging (which is in its own nature so formidable to mankind,) not being annexed either to persons of any particular rank, or order, in the state, or to the members of any particular profession