

upon every occasion, rather considering the practice as novel, and not much to be favoured; and that when the case was cited, wherein the great Law-authority I have before alluded to, spoke in disparagement of trials by Jury, he seemed quite surprized, and said, with a look of disapprobation, " Why do you cite such cases before me, I have been bred up in other principles, and am now too old to change them." This may be misinformation, and for my own part I hope it is; but, if it be true, I would with great deference presume to ask, Why we should not grow wiser than our forefathers in law, as well as in other parts of science, after repeated experiments; and, as new lights arise, correct our old prejudices, and even our old constitution, where expedient or necessary? In the name of common sense, What Gentleman would not rather have his cause tried intirely by men of science, (I mean the Judges who are named by the King at the recommendation of the Ministry, that is, of the first people in the kingdom) than by illiterate Country-fellows, common shopkeepers, or awkward Country Gentlemen, who may probably never have seen a Court? How can such men judge of any fact, relative to property, as well as those that have studied the art of reasoning, and been conversant in books and good company all their lives? And, in Truth, if I may be excused for hazarding my own opinion in this matter, however singular it may seem; when once we have got rid of Juries in concerns of property, we shall soon come to do without them in concerns of life and limb: And, till then we shall never have the Crown-trials properly managed, let Judges take what pains they will, and

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