derable time after, the Norman Conquest. Its history, though still obscure in detail, is now, as far as its main points go, well ascertained, and it is as follows: the early modes of trial depended on the early modes of accusation, which were two, namely, accusation by a private person, and accusation by public report.

Accusations by private persons were, I am inclined to think, the commonest mode of prosecution in early times. Such accusations were called "appeals," a word which in this connection means simply accusation, and not recourse from an inferior to a superior tribunal.

The nature of an appeal was as follows. The injured person was bound to use every effort to have the criminal arrested by raising the country, which was bound to pursue him "with hue and cry". If he could not be taken otherwise, his name was proclaimed, and he was called upon to appear at five successive county courts, and if he did not appear he was outlawed; the effect of which was in very early times that he might be put to death in a summary way, and afterwards that he was taken to be convicted. In the meantime, the complainant had to register his complaint before the coroner, who was in ancient times something like a modern justice of the peace. If the person accused appeared, various proceedings took place, which ended at last, if the parties could not otherwise settle the matter, in trial by combat, which, however, was not permitted if the guilt of the accused person was considered to be so clearly proved as to be undeniable. Appeals had a long and curious history which I cannot now relate. They applied at first to many offences, but were at last restricted to cases of homicide, in which the heir of the murdered person had a right, even after the person accused had been acquitted by a jury, to "appeal," or accuse him. This strange procedure, though used but seldom, nevertheless continued to exist till the year 1819, when, upon an appeal of murder, the Court of King's Bench actually awarded trial by combat, which was not carried out only because the accuser was no match physically for the accused, and refused to go on with his appeal as soon as the court held that the accused had a right, as it was called, "to wage his body". This case was the occasion of an Act of Parliament, by which appeals were abolished.

As time went on, accusation by public report superseded appeals. This system of accusation was carried out by a body of persons who acted as public accusers, and who were the predecessors of the modern grand jury. The system worked thus: England was divided into counties, hundreds, and townships, each township being represented on all public occasions by the reeve, the predecessor of the parish constable, and four men. When the king sent his justices into any county on one of the eyres or circuits already mentioned, they were met by the sheriff, the coroner, the high bailiffs of the hundreds, and the reeves and four men from the townships. The principal persons of the county having been in some unascertained way chosen from this numerous body, they made a report to the justices of the persons within the county whom they suspected of any offence; these persons were arrested forthwith if they were not already in custody, and were at once sent to the ordeal (*urtheil*) whether of fire or of water. The ordeal of fire consisted in handling red-hot iron of a certain weight, or walking over red-hot ploughshares placed at different intervals. The ordeal of water, which, strange to say, seems to have been more dreaded, consisted in being thrown into the water, when sinking was the sign of innocence, and swimming the sign of guilt. How any one without fraud escaped the one ordeal or was condemned by the other is difficult to understand. I have sometimes thought that the water ordeal may have been like the Japanese happy despatch. If the accused sank, he died honorably by drowning. If he swam, he was either put to death or blinded and mutilated; but this is a mere guess. Many records still remain which end with the ominous words, *eat ad juisam aquæ*, or *purget se per ignem*. If the accused person escaped from the ordeal he was nevertheless banished. It was obviously considered that though it might have pleased God to work a miracle to save him from punishment the bad report made of him by the local authorities was quite enough to show that he was a dangerous character who must leave the country.

Early in the thirteenth century ordeals fell into disuse, probably in consequence of their condemnation by the Lateran Council held in 1215. The result of this was that the report of