

courts, century after century, gave shape to the magnificent structure of the common law, the customs of the people, which had been growing from the earliest ages at a pace equal to the task of protecting the lives, the liberty, and the property of the people. When the Cavaliers and the Puritans came, they did not have to invent a system of Courts or enact a body of law; they brought both with them from England and they are here to day. To teach this history to American boys and girls is simply to prepare them to be ordinarily intelligent citizens.

In every county seat in the country is the court-house. American youth are familiar with the twelve seats for the jurymen, but beyond that they know little. No one teaches them the venerable origin of those twelve seats; that the germ of the jury appeared in France; that the Normans found it there and carried it into England 850 years ago; that it died out on the continent, to to be revived in later centuries, but that England seized upon and developed it until, in the fourteenth century, it came to its full growth when "twelve good men and true" were put into the jury seats and sworn to "a true verdict give." This was a new way to enforce an old right. Already, for many centuries, the Anglo-Saxon, in the hundred-moot, the folk-moot and the shire-moot, had had the right of trial by his equals, and Magna Charta had already registered that right in the declaration that no freeman should be proceeded against except by the "legal judgment of his peers."

No one has seen the jurymen rise from their seats, at the end of the evidence in a murder trial, and slowly file out to decide in privacy the question of life or death, without a feeling of awe; but when we add to this the fact that for six hundred years these twelve men have been a shield of justice protecting the weakest of the community, then what was commonplace becomes glorified. Which is better, to have no impression whatever of trial by jury, except that we have it, or to make the heart swell with pride by the knowledge that, for 1,500 years, every Anglo-Saxon has had the right of trial by his equals, and that all who come from all parts of the world enter here into the enjoyment of this ancient right as a free gift?