

that knowledge to that more substantial one resulting from the enquiry; and if that knowledge had been favourable to the accused he would have given to him the benefit of it, by exonerating him of the charge against him; if on the contrary, that knowledge had convinced him that the accused had already merited the public animadversion by his misdeeds, then, considering him as a dangerous member of society, the Judge would unhesitatingly have passed sentence against him. But no; that Judge, being a perfect stranger to that part of the country wherein he was to sit in judgment, could not have any such knowledge, and therefore found himself in the perplexing dilemma, either to let loose on society a dangerous depredator for want of sufficient presumptive evidence, or to condemn an innocent, on proofs of that force that should seem to require of him his utmost severity.

This perplexing dilemma did not escape the sagacity of Alfred, and pointed out to him the expediency of adding to the legal ability of his judges the assistance of assessors, who from their necessary knowledge of the course of life of those who might be brought before them, could supply to that which might be wanting in positive or presumptive evidence. With the then existing laws no danger of any impediment to the due course of justice could result from that addition.

On one side their responsibility for crimes committed within their district, urged the neighbours of the accused, to put a stop to a line of conduct, that might ultimately expose them to heavy damages, and in that case a verdict against him justified the sentence of his punishment. On the other hand the connexion necessarily existing between neighbours, to which might be added, the relations of blood, and the partialities of friendship, would incline the assessors favorably towards the accused, when the proofs of the charge against him were not of sufficient weight to counterbalance the moral probability of his innocence, presumed from his uniformly good behaviour. In both cases the conscience of the judge was set at ease, and the sentence or discharge of the accused removed the possibility of any impeachment against him for perjury.

Such was the sole object of the institution of juries. They were there assessors to interpose between those perplexing cases, that often occur when the evidence produced is so approximate to positive proof, that it would be repugnant to the sense of justice due to the public not to take it for positive, whilst on the contrary, other circumstances arising out of the trial, might leave doubts in the mind of the judge, and alarm his conscience.

This institution was then absolutely necessary, perfectly efficient and admirably contrived. Whether under the existing laws juries are still as necessary, as efficient, and as deserving our admiration, will be the object of a future enquiry.