there is still something to be said for the old law, which has secured that no man can be put on his trial for a serious crime without the assent of twelve laymen unaffected by fear or favour towards him or the Crown; and it is in any event desirable to retain to prosecutors the right of going before the grand jury where the magistrates have dismissed the charge. In some colonies the grand jury has been superseded *in toto* by the Attorney-General; in others, such as Victoria, most prosecutions are instituted by leave of the Attorney-General; but where magistrates refuse to commit for trial, or the Attorney-General will not act, the High Court can intervene, and a grand jury receive and pass a bill of indictment. In this country it would be an improvement on the present system (but not easy to arrange) if the functions of the grand jury were confined to voluntary bills so long as they are allowed to continue, and cases within the Vexatious Indictments Act, which ought to be extended to all offences. In this event the grand jury could be summoned only when wanted.

Reference has been made to the history of grand juries and the date of the severance of the functions of grand and petty juries. Whether the two were at any time the same (see Reeves and Finlason, 'Criminal Law,' vol. ii. p. 163), or the second was developed on the abolition of trial by ordeal (at the instance of the Lateran Council) or the disuse of wager of law and trial by battle, is a matter which we will not now discuss. But this much is clear, that the grand jurors were regarded as they are still styled, jurors *for* our lady the Queen (*pro rege*), in distinction to the petty jury summoned at the election of the prisoner, who under the old system was on arraignment asked how he would be tried, and replied, 'By God and my country.' The first words in this formula are possibly a survival of terms used with reference to the ordeal; but the words '*my* country' identify the visne (*vicinetum*) or special venue to which the writ of *facias venire juratores* had to be awarded, and doubtless suggested the inference, but do not prove, that the petty jury were a kind of witnesses for the prisoner. Indeed, the usage, if not the law, points to a different view of the constitution of the petty jury, and we may call attention to the valuable contribution by Mr. L. O. Pike (in his introduction to the Year book, 14 & 15 Edw. III.) towards ascertaining the real constitution of the petty jury, and the causes of the final separation of the grand and petty jurors. His conclusions may be thus summed up: It is certain that indictors