

XVII. But, though the tribunals of justice ought not to consist of fixed and permanent bodies of men, the decisions they make upon the persons, or matters, brought before them ought to be as fixed and uniform as possible, so as to constitute a precise and clear body of known law. For, if they were to vary from each other, or different judges were in similar cases to make different determinations, according to their several different opinions concerning them, and without regard to the decisions of their predecessors, the people would live in such a society without knowing with certainty the extent of the obligations and engagements they entered into, and the duties they were expected to perform.

XVIII. Another thing requisite to soften the terrors of the judicial power is the rule (which is also observed in the trials by jury in England,) "that the judges, by whom a criminal is to be tried, shall be of the same class, or order of men, as the criminal himself, or (as they express it in England,) shall be *his peers*." This rule is necessary to prevent the criminal, and at the same time all other persons of the same rank