

tory both of the Grand and the Petty Jury is in its details a chapter of accidents. But in its main character neither of these institutions is accidental; nor is the origin of either of them so local or personal as some recent antiquaries seem to imagine, the Jury being found in Scandinavia as well as in England. In fact the court of freemen and peers, which the Petty Jury represents, was the complement of the free institutions which are the special pride of the Teutonic race, and stands contrasted with the despot's tribunal as the Witenagemot, the Parliament, or the primitive assembly of warriors out of which these were developed, does with the despot's rule. In primitive times functions afterwards distinct; not having been separated from each other, the court of freemen was judge and jury too; the growth of legal science added the presidency of professional judges. The Grand Jury was, perhaps, in its origin merely an instrument for bringing offenders to justice, very necessary at a time when there was no regular police, as well as for presenting local matters requiring reform. This function is now almost obsolete; but the same cannot be said as to the cognate function of determining what cases ought to be sent to trial. Some sort of preliminary consideration of the evidence there must be; it will never do to put a man in the dock on mere suspicion; all the authorities say in effect that, if the Grand Jury is abolished, a public prosecutor must be instituted in its place. Certainly the Grand Jury, in its present form, seems a waste of time and money. Nor, sitting in secrecy as it does, and without the guarantee afforded by clear personal responsibility, is it perfectly fit on all occasions to be entrusted with the key of justice. Into its conclave political and social considerations may find their way. This liability was brought home to the minds of most people in England by the case of Governor Eyre, which the Grand Jury refused to send to trial. Governor Eyre and William Gordon, a member of the Jamaica Assembly, had been not only political opponents but deadly personal enemies, and the violence of temper shown by Eyre in their quarrel had brought down upon him a rebuke from the Colonial Secretary.